

Reserve
KFI
1235
A21
v. 14
no. 39



JIM EDGAR
Secretary of State

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Illinois register

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*** INNOVATIVE INTERFA

ILL REGISTER

Rules of Governmental Agencies

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1990

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990	June 26, 1990	July 3, 1990	28	July 13, 1990
Dec. 26, 1990	Jan. 2, 1990	2	Jan. 12, 1990	July 3, 1990	July 10, 1990	29	July 20, 1990
Jan. 2, 1990	Jan. 9, 1990	3	Jan. 19, 1990	July 10, 1990	July 17, 1990	30	July 27, 1990
Jan. 9, 1990	Jan. 16, 1990	4	Jan. 26, 1990	July 17, 1990	July 24, 1990	31	Aug. 3, 1990
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Jan. 23, 1990	Jan. 30, 1990	6	Feb. 9, 1990	July 31, 1990	Aug. 7, 1990	33	Aug. 17, 1990
Jan. 30, 1990	Feb. 6, 1990	7	Feb. 16, 1990	Aug. 7, 1990	Aug. 14, 1990	34	Aug. 24, 1990
Feb. 6, 1990	Feb. 13, 1990	8	Feb. 23, 1990	Aug. 14, 1990	Aug. 21, 1990	35	Aug. 31, 1990
Feb. 13, 1990	Feb. 20, 1990	9	Mar. 2, 1990	Aug. 21, 1990	Aug. 28, 1990	36	Sept. 7, 1990
Feb. 20, 1990	Feb. 27, 1990	10	Mar. 9, 1990	Aug. 28, 1990	Sept. 4, 1990	37	Sept. 14, 1990
Feb. 27, 1990	Mar. 6, 1990	11	Mar. 16, 1990	Sept. 4, 1990	Sept. 11, 1990	38	Sept. 21, 1990
Mar. 6, 1990	Mar. 13, 1990	12	Mar. 23, 1990	Sept. 11, 1990	Sept. 18, 1990	39	Sept. 28, 1990
Mar. 13, 1990	Mar. 20, 1990	13	Mar. 30, 1990	Sept. 18, 1990	Sept. 25, 1990	40	Oct. 5, 1990
Mar. 20, 1990	Mar. 27, 1990	14	Apr. 6, 1990	Sept. 25, 1990	Oct. 2, 1990	41	Oct. 12, 1990
Mar. 27, 1990	Apr. 3, 1990	15	Apr. 13, 1990	Oct. 2, 1990	Oct. 9, 1990	42	Oct. 19, 1990
Apr. 3, 1990	Apr. 10, 1990	16	Apr. 20, 1990	Oct. 9, 1990	Oct. 16, 1990	43	Oct. 26, 1990
Apr. 10, 1990	Apr. 17, 1990	17	Apr. 27, 1990	Oct. 16, 1990	Oct. 23, 1990	44	Nov. 2, 1990
Apr. 17, 1990	Apr. 24, 1990	18	May 4, 1990	Oct. 23, 1990	Oct. 30, 1990	45	Nov. 9, 1990
Apr. 24, 1990	May 1, 1990	19	May 11, 1990	Oct. 30, 1990	Nov. 5, 1990	46	Nov. 16, 1990
May 1, 1990	May 8, 1990	20	May 18, 1990	Nov. 5, 1990	Nov. 13, 1990	47	Nov. 26, 1990 (Mon.)
May 8, 1990	May 15, 1990	21	May 25, 1990	Nov. 13, 1990	Nov. 20, 1990	48	Nov. 30, 1990
May 15, 1990	May 22, 1990	22	June 1, 1990	Nov. 20, 1990	Nov. 27, 1990	49	Dec. 7, 1990
May 22, 1990	May 29, 1990	23	June 8, 1990	Nov. 27, 1990	Dec. 4, 1990	50	Dec. 14, 1990
May 29, 1990	June 5, 1990	24	June 15, 1990	Dec. 4, 1990	Dec. 11, 1990	51	Dec. 21, 1990
June 5, 1990	June 12, 1990	25	June 22, 1990	Dec. 11, 1990	Dec. 18, 1990	52	Dec. 28, 1990
June 12, 1990	June 19, 1990	26	June 29, 1990	Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991
June 19, 1990	June 26, 1990	27	July 6, 1990	Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

OFFICE OF THE AUDITOR GENERAL
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Code of Regulations
- 2) Code of Citation: 74 Ill. Adm. Code 420
- 3) Section Numbers: Proposed Action:
420.630 Amendments
420.640 Amendments
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 15, par. 303-8(a)

5) A Complete Description of the Subjects and Issues Involved:

The proposed amendments change provisions relating to the maintenance, release, and destruction of confidential information during and at the conclusion of an authorized audit. In particular the major impacts of the amendments are:

- (a) Permits disclosure of confidential information to other government agencies with whom the Auditor General is conducting a joint audit or cooperating on an audit but only as necessary to the audit;
- (b) Permits disclosure of confidential information to prosecutorial offices but only if such offices could lawfully obtain such information through their own authority;
- (c) The Office may decline to make available records (whether confidential or not) which are currently available from or controlled by a State agency;
- (d) Permits the Office to maintain confidential information derived through an audit for a period of 6 months after the publication of the audit, if authorized in writing by the Auditor General subject to enumerated restrictions.

- 6) Will this proposed rule replace an emergency rule currently in effect? Yes ☒ No ☐
- 7) Does this Rulemaking contain an automatic repeal date? Yes ☒ No ☐
If "yes" please specify the date: _____
- 8) Does this proposed amendment contain incorporations by reference?

OFFICE OF THE AUDITOR GENERAL
NOTICE OF PROPOSED AMENDMENTS

- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of the Statewide Policy Objectives: Not applicable.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may call or write:

Jane Upchurch
Docket Control
Office of the Auditor General
Marriott Commerce Building
509 South Sixth Street
Springfield, Illinois 62701-1878
(217) 782-3648
Monday through Friday 8:30 a.m. - 4:30 p.m.

12) Initial Regulatory Flexibility Analysis: The Auditor General has determined that this rulemaking will not affect small business.

The full text of the Proposed Rule(s) is as follows:

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 74: PUBLIC FINANCE
CHAPTER III: AUDITOR GENERAL

PART 420

CODE OF REGULATIONS

SUBPART A: STANDARDS OF CONSTRUCTION FOR REGULATIONS

Section

420.10

420.20

Introduction

General Provisions

SUBPART B: DEFINITIONS

Section

420.110

420.120

420.130

420.140

Introduction

General Provisions

Abbreviations

Specific Definitions

SUBPART C: INVESTIGATIONS

Section

420.210

420.220

420.230

420.240

420.250

Introduction

General Particulars

Right to Information

Investigative Personnel

Investigation Procedures and Reports

SUBPART D: STANDARDS APPLICABLE TO AUDITS
OF ILLINOIS STATE GOVERNMENTAL ORGANIZATIONS AND PROGRAMS
AND TO COMPLIANCE AUDITS CONDUCTED BY STATE AGENCIES
OF LOCAL AND PRIVATE AGENCIES

Section

420.310

420.320

420.330

420.340

Introduction

General Provisions

Examination and Evaluation Standards

Reporting Standards

SUBPART E: FREQUENCY OF MANDATORY FINANCIAL OR COMPLIANCE AUDITS

Section

420.410

420.420

420.430

Introduction

General Provisions

Miscellaneous Provisions

SUBPART F: REVIEW OF RECEIPT OR COLLECTION
OF STATE REVENUE BY STATE AGENCIES

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENT(S)

Introduction (Repealed)

Review of Receipt or Collection of State Revenues by State Agencies (Repealed)

Miscellaneous Provisions (Repealed)

Section

420.510

420.520

420.530

Introduction

General Provisions

Confidential Information

Disclosure and Dissemination of Information

SUBPART G: MAINTENANCE OF INFORMATION

SUBPART H: CONSULTATIONS AND RESPONSES TO FINDINGS

Section

420.710

420.720

Introduction

Consultations with Heads of Agencies and Individuals

AUTHORITY: Subparts A and B implementing and authorized by Section 3-7 of the Illinois State Auditing Act (Ill. Rev. Stat. 1989, ch. 15, par. 303-7); Subpart C and implementing and authorized by Sections 3-8(b), 3-8(c), and 3-8(d) of the Illinois State Auditing Act (Ill. Rev. Stat. 1989, ch. 15, pars. 303-8(b), 303-8(c), and 303-8(d)); Subpart D implementing and authorized by Section 3-6 of the Illinois State Auditing Act (Ill. Rev. Stat. 1989, ch. 15, par. 303-6); Subpart E implementing and authorized by Section 3-8 of the Illinois State Auditing Act (Ill. Rev. Stat. 1989, ch. 15, par. 303-8); Subpart G implementing and authorized by Sections 3-7, 3-8(a), and 3-11 of the Illinois State Auditing Act (Ill. Rev. Stat. 1989, ch. 15, pars. 303-7, 303-8(a), and 303-11); Subpart H implementing and authorized by Sections 3-7, 3-8(c), and 3-8(d) of the Illinois State Auditing Act (Ill. Rev. Stat. 1989, ch. 15, pars. 303-7, 303-8(c), and 303-8(d)).

SOURCE: Rules and Regulations of the Auditor General filed March 8, 1976, effective March 18, 1976, and amended: effective April 15, 1976; effective September 1, 1976; amended at 3 Ill. Reg. 5, p. 865, effective January 27, 1979; amended at 3 Ill. Reg. 5, p. 868, effective January 27, 1979; amended at 3 Ill. Reg. 15, p. 107, effective April 12, 1979; amended at 3 Ill. Reg. 34, p. 99, effective August 20, 1979; amended at 3 Ill. Reg. 48, p. 138, effective November 29, 1979; amended at 4 Ill. Reg. 40, p. 49, effective September 19, 1980; codified at 5 Ill. Reg. 10575; amended at 6 Ill. Reg. 2587, effective March 10, 1982; amended at 7 Ill. Reg. 1216, effective February 5, 1983; amended at 7 Ill. Reg. 6475, effective May 15, 1983; amended at 7 Ill. Reg. 6481, effective May 15, 1983; amended at 8 Ill. Reg. 7214, effective May 25, 1984; amended at 8 Ill. Reg. 17244, effective September 15, 1984; amended at 14 Ill. Reg. _____, effective _____.

NOTICE OF PROPOSED AMENDMENT(S)

Section 420.630 Confidential Information

- a) STATUTORY. All information maintained by the office which was confidential by or pursuant to law when secured by the Auditor General shall be maintained in accordance with section 6-1 of the Illinois State Auditing Act (Ill. Rev. Stat. 1989, par. 306-1) and other applicable law.

b) INFORMATION RELATED TO CURRENT WORK.

- 1) Information not otherwise confidential, but acquired or developed as part of an ongoing audit, study, or inquiry shall be classified confidential until the conclusion of the audit, study, or inquiry to which the information pertains. The Auditor General may release such information only to:
- persons or entities named in the audit, study, or inquiry to which the information pertains;
 - governmental agencies with whom he is jointly conducting or cooperating on an audit, to the extent necessary for the conduct of the audit;

c) ~~offices of the U.S.-Attorney-General;~~d) ~~the Office of the Attorney-General of Illinois;~~e) ~~an Illinois State's Attorney's office;~~

- f) prosecutorial offices (State Attorneys, Attorney General, U.S. Attorney, etc.) and sworn law enforcement agencies (State police, and Federal Bureau of Investigation, police departments, etc.) if approved by the Auditor General but subject to subsection (b)(3) of this Section.

g) ~~current or potential contractors, but only on a need to know basis, for specific audit purposes.~~

- 2) The issuance of the final report shall establish the conclusion of the audit, study, or inquiry which is the subject of the report, and all information acquired or developed as part of such audit, study, or inquiry and classified confidential by operation of this Section shall at that time become public information, unless the Auditor General provides otherwise pursuant to Section 420.640(b).

- 3) Prosecutorial office and law enforcement agencies may not obtain through, or in conjunction with, the Office of the Auditor General, data, information, or evidence which the prosecutorial office or law enforcement agency could not lawfully obtain through its own authorities.

- c) INVESTIGATION. All information and documents pertaining to an investigation conducted pursuant to Section 3-4 ISAA shall be classified as confidential and may not be disclosed outside the office except as provided (Subpart C) or as declared in the resolution authorizing the investigation.

- d) PERSONNEL INFORMATION. All personnel information of the Office of the Auditor General matchable to an individual concerning job performance evaluations, personal conduct, disclosure statements, personal characteristics and health shall be confidential, and may be released

NOTICE OF PROPOSED AMENDMENT(S)

only as authorized by law or with the consent of the individual affected.

- e) SPECIAL ASSISTANT AUDITOR EVALUATIONS. Trade, business, and proprietary information concerning special assistant auditors and the performance evaluations of special assistant auditors shall be maintained confidential and may be disclosed to persons outside the office only as necessary to an authorized audit or inquiry concerning expenditures of our office. An audit or inquiry is authorized if it is required by law or by formal action of the General Assembly or the Legislative Audit Commission.

f) AUDIT SELECTION CRITERIA.

- 1) Any test, standard, or specification intended for use in an audit may be maintained confidential if:

- the test, standard, or specification under consideration is necessary or applicable to a future audit; and
- disclosure would impair the validity or reliability of the test, standard, or specification for future application.

- 2) Any information declared confidential under this section shall be disclosed jointly to the Chairman and Vice Chairman of the Legislative Audit Commission at the joint request of the Chairman and Vice Chairman.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 420.640 Disclosure and Dissemination of Information

- a) INFORMATION CONFIDENTIAL WHEN ACQUIRED. Information maintained in the office of the Auditor General which was confidential by or pursuant to law when acquired may not be disseminated outside the office for any reason except by court order or as provided in 74 Ill. Adm. Code Section 420.620(b).

- b) INFORMATION ESTABLISHED CONFIDENTIAL BY OUR OFFICE. Information maintained by the Office of the Auditor General which our office has established confidential by authority of the Illinois State Auditing Act or these regulations may be released to persons outside the Office of the Auditor General only by order of the Legislative Audit Commission pursuant to Section 3-11 ISAA, by court order, or as specifically provided in this Subpart.

- c) Dissemination of Other State Agency Information.

- 1) The Office of the Auditor General may decline to make available records of information which is available or currently controlled by the originating or controlling State agency.

- 2) Records and information are considered "available" even if the agency or agent refuses to disseminate them, such as information which may be withheld as an exception to the Illinois Freedom of Information Act. (Ill. Rev. Stat. 1989, ch. 116 pars 201 et seq.)

- d) e) DISSEMINATION PROCEDURES AND COPIES (PUBLIC RECORDS).

NOTICE OF PROPOSED AMENDMENT(S)

- 1) All public records of the Office of the Auditor General stored in the Springfield or Chicago offices shall be available for inspection and copying at their respective office during regular working hours.
- 2) All public records of the Office of the Auditor General stored at locations other than the Springfield or Chicago offices shall be available for inspection and copying, but only by request and appointment through the office librarian or the information officer or his designee.
- 3) Any person requesting inspection or copying of public records stored at locations other than the Springfield or Chicago office may require that the records be made available at the Springfield office.
- 4) The Auditor General may establish reasonable charges to defray the cost of any copies requested.

e) PURGING OF CONFIDENTIAL ACQUIRED INFORMATION --
MEMORANDUM.

- 1) Records supplied to the Office of the Auditor General which are confidential by or pursuant to law shall be destroyed no later than the time of the issuance of the final report for which the information constitutes work papers, unless the Auditor General provides otherwise pursuant to subsection (h) of this Section.
- 2) However, if the records are confidential because they contain personally sensitive information which is matchable to individuals, such records need not be destroyed if the retention is approved by the Auditor General and all means of matching such information to its corresponding individuals has been destroyed. In such cases, the destruction of the means of matching the information to its corresponding individuals shall occur no later than the time of the issuance of the final report for which the information constitutes work papers.
- 3) The person destroying work papers pursuant to this section shall place among the work papers a list of the number and type of records destroyed, identification of the source from which the records came, and an affidavit certifying how and when the records were destroyed and the fact that they were so destroyed; such certificate shall be countersigned by a State Auditor who witnessed the destruction.
- f) PURGING OF RECORDS GENERALLY. The Auditor General may destroy any records after five years unless a longer retention period is required by law. The Auditor General may establish schedules for the destruction and type of storage for all records relating to the Office of the Auditor General.
- g) MICROFORM -- MAINTENANCE AND REPRODUCTION. Permanent records of the Office of the Auditor General may be kept on film media. The Auditor General shall maintain suitable devices for reading and copying all filmed records.
- h) Exceptions to Purging and Disclosure of Workpapers. If the Auditor General determines, in writing certified by him, that the

NOTICE OF PROPOSED AMENDMENT(S)

establishment of the working papers of a particular audit as public records or the purging of confidential information contained in the work papers of a particular audit would:

- A) significantly impair the reporting or defending of the audit;
- B) significantly impair future or follow-up audit work;
- C) significantly compromise the integrity of the audit process; or
- D) disclose confidential information, because of the postponement of the purging of confidential information pursuant to the Auditor General's authority under paragraph h) of this section, then he may postpone the implementation of the requirements of Sections 420.630(b)(2) or 420.640(C) for up to six months. After six months the postponement shall lapse and may be renewed, for up to six months at a time, only if the Legislative Audit Commission shall specially approve such renewal.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Reports of Accidents by Fixed Public Utilities Other Than Pipelines Transporting Liquids (General Order 43)

2) Code Citation: 83 Ill. Adm. Code 220

3) Section Numbers:Proposed Action:

220.5	Amendment
220.10	Amendment
220.20	Amendment
220.30	Amendment
220.40	Amendment
220.50	Amendment

4) Statutory Authority: Implementing Section 8-507 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 8-507 and 10-101).

5) A Complete Description of the Subjects and Issues Involved:
The proposed amendments ease the reporting of accidents by public utilities by removing the requirement that a report be filed for those periods in which no accident has occurred.

6) Will these proposed amendments replace an emergency amendment currently in effect?: No.

7) Does this rulemaking contain an automatic repeal date: No.

8) Do these proposed amendments contain incorporations by reference?: No.

9) Are there any other proposed amendments pending on this Part?
No.

10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: September 14, 1990

B) Types of small businesses affected: These proposed amendments will affect those public utilities that are also small businesses as defined in the Illinois Administrative Procedure Act.

C) Reporting, bookkeeping or other procedures required for compliance: Reporting procedures.

D) Types of professional skills necessary for compliance: Managerial skills.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS REGISTER

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES

CHAPTER I: ILLINOIS COMMERCE COMMISSION

SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN ONE KIND OF UTILITY

PART 220

REPORTS OF ACCIDENTS BY TELECOMMUNICATIONS CARRIERS AND BY
FIXED PUBLIC UTILITIES OTHER THAN PIPELINES TRANSPORTING LIQUIDS
(GENERAL ORDER 43)

Section

220.5 Introduction

220.10 Reporting Accidents

220.20 Class of Utilities

220.30 Immediate Report

220.40 Periodical Reports

220.50 Report Blanks

220.60 Instructions for Reporting

AUTHORITY: Implementing Section 8-507 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111-2/3, pars. 8-507 and 10-101).

SOURCE: Filed and effective October 1, 1947; amended at 6 Ill. Reg. 10552, effective August 13, 1982; codified at 8 Ill. Reg. 5145; amended at Ill. Reg. , effective

Section 220.5 Introduction

a) ~~the following rules will~~ This Part governs all fixed public utilities, other than pipelines transporting liquids, in reporting accidents to ~~this~~ the Illinois Commerce Commission ("Commission").

b) As used in this Part, "public utilities" shall include all telecommunications carriers providing noncompetitive telecommunications services (see Section 13-210 of The Universal Telephone Service Protection Law of 1985, Ill. Rev. Stat. 1987, ch. 111 2/3, par. 13-210).

(Source: Amended at Ill. Reg. , effective)

ILLINOIS REGISTER

NOTICE OF PROPOSED AMENDMENTS

Section 220.10 Reporting Accidents

Except as otherwise ~~hereinafter~~ specified in this Part, a report ~~shall~~ be made to this Commission of every accident occurring on the property of a public utility, or resulting from the construction, operation and maintenance of its property whenever it may be located in the State of Illinois.

(Source: Amended at Ill. Reg. , effective)

Section 220.20 Class of Utilities

a) For the purpose of reporting accidents, fixed public utilities other than pipelines transporting liquids have been classified according to their last annual report to this Commission, as follows:

1) Class "A" - public utilities having an annual gross operating revenue exceeding \$250,000 will report each month, within ~~thirty~~ (30) days after the end of the month for which report is made. ~~No report is required for a month in which there are no accidents.~~

2) Class "B" - public utilities having an annual gross operating revenue exceeding \$50,000, but not more than \$250,000, will report each quarter, within ~~thirty~~ (30) days after the end of the quarter for which report is made. ~~No report is required for a quarter in which there are no accidents.~~

3) Class "C" and "D" - Public Utilities Class "C", having an annual gross operating revenue exceeding \$10,000 but not more than \$50,000, and Public Utilities Class "D", having an annual gross operating revenue of \$10,000 or less, will report each year, within ~~thirty~~ (30) days after the end of the year for which report is made.

b) From annual reports, this Commission will determine for each public utility the class to which it belongs and give notification accordingly.

c) Monthly, quarterly and yearly reports ~~shall~~ shall date from the beginning of each calendar year.

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- d) All classes having periods with no accident to report during a year shall file a summary statement (Form U-3) indicating periods of non-reporting within 30 days after the end of the year for which the report is made.

- c) Form U-3 Statement of officer reporting ~~NO ACCIDENT~~ no accident, ~~monthly, quarterly or yearly~~ as the case may be indicating all months containing no accidents to report.

(Source: Amended at Ill. Reg. , effective)

- d) Printed instructions are shown on the lower margin of Form U-1 for reporting accidents. On the back of Form U-1 is shown a classification of employees and accidents for the convenience of the reporting officer, which may be amplified if necessary.

Section 220.30 Immediate Report

- a) "An Act concerning public utilities," (Ill. Rev. Stat. 1981, ch. 111 2/3, par. 1 et seq.), Section 8-507 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 8-507) requires that whenever any accident occasions the loss of life or limb to any person, such public utility shall immediately give notice to the Commission of the fact by the speediest means of communication, whether telephone, telegraph or post.

(Source: Amended at Ill. Reg. , effective)

- b) Note-- Initial reports by post, telephone, or telegraph shall in every instance show the date, time and place of accident, nature of accident and number of persons killed or injured. Telephones All such reports shall be transmitted and telegrams filed at the sending office as soon as the above mentioned facts are ascertained by the public utilities in charge confirmed with Form U-1, as provided for in Section 220.50.

(Source: Amended at Ill. Reg. , effective)

Section 220.40 Periodical Reports

Reports of all accidents (including those previously reported by telephone, telegraph or post), shall be submitted in accordance with the instruction for that public utility's assigned class. When there are no accidents to report pursuant to Section 220.20, Form U-3 should be used for the annual report.

(Source: Amended at Ill. Reg. , effective)

Section 220.50 Report Blanks

- a) Form U-1 Blank form to be used for reporting each accident.

- b) Form U-2 Statement of officer reporting accidents monthly, quarterly or yearly as the case may be, including summary.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Determination of Unemployment Contributions
- 2) Code Citation: 56 Ill. Adm. Code 2770
- 3) Section Number: Proposed Action:
2770.110 Amended Section
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 48, par. 570, 571, 573, 576.1, 576.2, 578.1, 610 and 611.
- 5) A Complete Description of the Subjects and Issues Involved:
The proposed amendment to Part 2770 announces the 1991 contribution rates for newly liable employers by classification within their Standard Industrial Code. In keeping with our commitment to the Joint Committee on Administrative Rules, we are also repealing the rates for 1985 as they are no longer needed.
- 6) Will the proposed amendment replace an emergency amendment currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain an incorporation by reference pursuant to Section 6.02 of the Illinois Administrative Procedure Act? No.
- 9) Are there any other proposed amendments pending on this Part? Yes.

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
2770.150	Repealed Section	14 Ill. Reg. 12364 August 3, 1990
2770.155	Repealed Section	14 Ill. Reg. 12364 August 3, 1990
2770.160	Repealed Section	14 Ill. Reg. 12364 August 3, 1990
2770.165	Repealed Section	14 Ill. Reg. 12364 August 3, 1990
2770.170	Repealed Section	14 Ill. Reg. 12364 August 3, 1990

- 10) Statement of Statewide Policy Objective? Not Applicable.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

- 11) Time, Place and Manner in which interested persons may comment on this Proposed Rulemaking: All persons who submit a request to comment regarding this proposed amendment within 20 days after this notice has been published in the ILLINOIS REGISTER will be given a reasonable opportunity to submit data, views, arguments or comments. The request shall be addressed to:
- Stella Adams Cuthbert, Commissioner
Illinois Department of Employment Security
401 South State Street - 2nd Floor South
Chicago, IL 60605
312-793-4240
- 12) Initial Regulatory Flexibility Analysis:
Date rules were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: September 7, 1990.
- Types of small businesses affected: Affects all newly liable employers who have not qualified for an experience based rate.
- Reporting, bookkeeping or other procedures required for compliance: None.
- Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERS

PART 2770

DETERMINATION OF UNEMPLOYMENT CONTRIBUTIONS

SUBPART B: STANDARD INDUSTRIAL CLASSIFICATION

Section
2770.100 Industrial Classification
2770.105 Contribution Rate For Non Experience-Rated Employers
2770.110 Average Contribution Rates By Standard Industrial Classification (SIC) Codes

SUBPART C: ALTERNATIVE BENEFIT WAGE RATIO

2770.150 Eligibility To Elect The Alternative Benefit Wage Ratio
2770.155 Approval Of Election Of The Alternative Benefit Wage Ratio
2770.160 Adjustment Of The Benefit Wage Charges And The Determination Of The Alternative Benefit Wage Ratio
2770.165 Revocation Of Election Of Alternative Benefit Wage Ratio
2770.170 Appeals

SUBPART E: TRANSFER OF BENEFIT WAGES FROM BASE PERIOD TO SUBSEQUENT EMPLOYER

2770.400 Definitions
2770.405 Application Of Base Period Wages
2770.410 Restriction On Benefit Wage Transfers
2770.415 Benefit Wage Transfer Procedural Requirements
2770.420 Petition For Hearing

SUBPART F: BENEFIT WAGE CANCELLATIONS

2770.501 Effective Date Of Benefit Wage Cancellations Pursuant To Section 1508.1 Of The Act

2770. Table A General SIC Classification

AUTHORITY: Implementing and authorized by Sections 1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701 of the Unemployment Insurance Act (Ill. Rev. Stat. 1989, ch. 48, pars. 570, 571, 573, 576.1, 576.2, 576.3, 578.1, 610 and 611).

DEPARTMENT OF EMPLOYMENT SECURITY

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SOURCE: Emergency rules adopted as 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 550, effective January 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 8208, effective May 30, 1984; recodified from 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 15030; emergency amendments at 8 Ill. Reg. 15088, effective August 8, 1984, for a maximum of 150 days; emergency amendments at 8 Ill. Reg. 22139, effective October 26, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 24117, effective November 30, 1984; amended at 9 Ill. Reg. 4507, effective March 25, 1985; amended at 10 Ill. Reg. 6935, effective April 14, 1986; amended at 10 Ill. Reg. 21683, effective December 15, 1986; amended at 11 Ill. Reg. 9878, effective May 11, 1987; emergency amendments at 12 Ill. Reg. 210, effective January 1, 1988, for a maximum of 150 days, expired May 30, 1988; amended at 12 Ill. Reg. 11213, effective June 20, 1988; amended at 12 Ill. Reg. 12473, effective July 15, 1988; amended at 12 Ill. Reg. 18143, effective October 27, 1988; amended at 12 Ill. Reg. 20477, effective November 28, 1988; amended at 13 Ill. Reg. 11507, effective June 29, 1989; amended at 14 Ill. Reg. 2038, effective January 19, 1990; amended at 14 Ill. Reg. _____, effective _____; amended at 14 Ill. Reg. _____, effective _____.

SUBPART B: STANDARD INDUSTRIAL CLASSIFICATION

Section 2770.110 Average Contribution Rates By Standard Industrial Classification (SIC) Codes

a) The average contribution rate for each Economic Division, excluding the applicable emergency rate, for calendar-year 1985, as determined by the application of Section 2770.105(a)(3) shall be:

Digits	Economic Division	Rate
01-09	A: Agriculture;--Forestry; Fishing	3-3%
10-14	B: Mining;-----	3-5%
15-17	C: Construction	4-8%
20-39	D: Manufacturing;-----	4-9%
40-49	E: Transportation;--Community;--Electricity;--Gas; Sanitary--Services	3-6%
50-51	F: Wholesale--Trade	2-8%
52-59	G: Retail--Trade	2-9%
60-67	H: Finance;--Insurance;--Real Estate	1-8%
70-89	I: Services	2-2%

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91-97	J. Public-Administration	2-8%
99	K. Nonclassifiable-Establishments	2-7%

b) The average contribution rate for each Economic Division, excluding the applicable emergency rate, for calendar year 1986, as determined by the application of Section 2770.105(a)(3) shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.3%
10-14	B. Mining	3.7%
15-17	C. Construction	4.6%
20-39	D. Manufacturing	3.6%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	3.4%
50-51	F. Wholesale Trade	2.6%
52-59	G. Retail Trade	2.8%
60-67	H. Finance, Insurance, Real Estate	1.7%
70-89	I. Services	2.1%
91-97	J. Public Administration	2.5%
99	K. Nonclassifiable Establishments	2.2%

e) The average contribution rate for each Economic Division, excluding the applicable emergency rate, for calendar year 1987, as determined by the application of Section 2770.105(b)(3) shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.3%
10-14	B. Mining	3.9%
15-17	C. Construction	4.4%
20-39	D. Manufacturing	3.3%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	3.2%
50-51	F. Wholesale Trade	2.5%
52-59	G. Retail Trade	2.6%
60-67	H. Finance, Insurance, Real Estate	1.6%

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70-89	I. Services	2.0%
91-97	J. Public Administration	2.3%
99	K. Nonclassifiable Establishments	2.0%

dc) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1988, as determined by the application of Section 2770.105(c)(3) of this Part shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.4%
10-14	B. Mining	4.6%
15-17	C. Construction	4.5%
20-39	D. Manufacturing	3.2%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	3.2%
50-51	F. Wholesale Trade	2.4%
52-59	G. Retail Trade	2.5%
60-67	H. Finance, Insurance, Real Estate	1.5%
70-89	I. Services	1.9%
91-97	J. Public Administration	2.1%
99	K. Nonclassifiable Establishments	2.1%

ed) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1989, as determined by the application of Section 2770.105(d)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.4%
10-14	B. Mining	4.8%
15-17	C. Construction	4.2%
20-39	D. Manufacturing	2.9%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	3.0%
50-51	F. Wholesale Trade	2.2%

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52-59	G. Retail Trade	50-51	F. Sanitary Services
60-67	H. Finance, Insurance, Real Estate	52-59	G. Wholesale Trade
70-89	I. Services	60-67	H. Retail Trade
91-97	J. Public Administration	70-89	I. Finance, Insurance, Real Estate
99	K. Nonclassifiable Establishments	91-97	J. Services
		99	K. Public Administration
			Nonclassifiable Establishments

2.3%

1.4%

1.7%

2.5%

1.9%

1.7%

1.8%

1.3%

1.5%

2.0%

2.1%

f e) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1990, as determined by the application of Section 2770.105(d)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.3%
10-14	B. Mining	4.7%
15-17	C. Construction	4.1%
20-39	D. Manufacturing	2.7%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	2.8%
50-51	F. Wholesale Trade	2.0%
52-59	G. Retail Trade	2.1%
60-67	H. Finance, Insurance, Real Estate	1.4%
70-89	I. Services	1.6%
91-97	J. Public Administration	2.3%
99	K. Nonclassifiable Establishments	2.2%

f) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1991, as determined by the application of Section 2770.105(d)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.1%
10-14	B. Mining	4.3%
15-17	C. Construction	3.7%
20-39	D. Manufacturing	2.2%
40-49	E. Transportation, Communication	2.5%

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Procedures for Issuing Solid Waste Planning and Enforcement Grants.
- 2) Code Citation: 35 Ill. Adm. Code 870
- 3) Section Numbers: Proposed Action:
 870.206 Amend
 870.305 Amend
- 4) Statutory Authority: Section 22.15 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1022.15).
- 5) A Complete Description of the Subjects and Issues Involved: A municipality or unit of local government may wish to accept a solid waste planning or enforcement grant award, but due to certain circumstances it might be unable to give the required notice of accepting within the required 30 day deadline. Under the current language of Part 870, the Agency must terminate the grant award if it has not received a timely acceptance. These proposed amendments provide the Agency with alternative courses of action for addressing such a situation.
- 6) Will this Proposed Amendment replace an Emergency Rule currently in effect? No
- 7) Does this Rulemaking contain an Automatic Repeal Date? No
- 8) Does this Proposed Amendment contain Incorporations by Reference? No
- 9) Are there any other Proposed Amendments Pending on this Part? Yes

Section Number	Proposed Action	Ill. Reg. Citation
870.101	Amend	14 Ill. Reg. 8809, June 8, 1990
870.102	Amend	14 Ill. Reg. 8809, June 8, 1990
870.202	Amend	14 Ill. Reg. 8809, June 8, 1990
870.204	Amend	14 Ill. Reg. 8809, June 8, 1990
870.208	Amend	14 Ill. Reg. 8809, June 8, 1990
870.210	Amend	14 Ill. Reg. 8809, June 8, 1990
870.211	Amend	14 Ill. Reg. 8809, June 8, 1990
870.212	Amend	14 Ill. Reg. 8809, June 8, 1990
870.301	Amend	14 Ill. Reg. 8809, June 8, 1990
870.302	Amend	14 Ill. Reg. 8809, June 8, 1990
870.305	Amend	14 Ill. Reg. 8809, June 8, 1990
870.307	Amend	14 Ill. Reg. 8809, June 8, 1990
870.309	Amend	14 Ill. Reg. 8809, June 8, 1990
870.310	Amend	14 Ill. Reg. 8809, June 8, 1990

ENVIRONMENTAL PROTECTION AGENCY

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- 10) Statement of Statewide Policy Objectives: These amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat., ch. 85, par. 2203(b)).
- 11) Time, Place and Manner in which Interested Persons may Comment on this Proposed Rulemaking: Persons who wish to submit comments on these proposed Amendments may submit them in writing by no later than 45 days after publication of this notice to:
 Mark V. Gurnik
 Enforcement Programs
 Illinois Environmental Protection Agency
 2200 Churchill Road
 P.O. Box 19276
 Springfield, Illinois 62794-9276
- 12) Initial Regulatory Flexibility Analysis:
- A) Date Rule was Submitted to the Small Business Office of the Department of Commerce and Community Affairs: N/A
- B) Types of Small Businesses Affected: The Agency believes no small businesses will be affected. Grants from the Solid Waste Management Fund are, by law, restricted to units of local government.
- C) Reporting, Bookkeeping or other Procedures Required for Compliance: None
- D) Types of Professional Skills Necessary for Compliance: None

The full text of the proposed amendments begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 870

PROCEDURES FOR ISSUING SOLID WASTE
PLANNING AND ENFORCEMENT GRANTS

SUBPART A: INTRODUCTION

Section
870.101 Purpose
870.102 Definitions
870.103 Severability

SUBPART B: SOLID WASTE PLANNING GRANTS

Section
870.201 Grant Assistance Availability
870.202 Assistance Amount
870.203 Allocation
870.204 Required Content of Applications for SWP Grants
870.205 Agency Action on Application
870.206 Grant Award and Acceptance
870.207 Evaluation of Performance
870.208 Supplemental SWP Grants
870.209 Grant Payment Schedule
870.210 Noncompliance with Grant Conditions
870.211 Indemnity
870.212 Guidance for Planning

SUBPART C: SOLID WASTE ENFORCEMENT GRANTS

Section
870.301 Grant Assistance Availability
870.302 Assistance Amount
870.303 Required Content of Applications for SWE Grants
870.304 Agency Action on Application
870.305 Grant Award and Acceptance
870.306 Evaluation of Performance
870.307 Supplemental SWE Grants
870.308 Requests for Payments
870.309 Noncompliance with Grant Conditions
870.310 Indemnity

AUTHORITY: Implementing and authorized by Section 22.15 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1022.15).

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Emergency rules adopted at 10 Ill. Reg. 17780, effective September 29, 1986, for a maximum of 150 days. Adopted at 11 Ill. Reg. 9585, effective May 15, 1987; amended at 11 Ill. Reg. _____, effective _____.

Section 870.206 Grant Award and Acceptance

a) When the Agency has approved or conditionally approved an application, the Agency shall notify the applicant in writing. The grant award notification shall include the following:

- 1) All conditions of the grant, including:
 - A) Conditions of approval imposed under Section 870.205(b);
 - B) Criteria and procedures for determining allowable costs;
 - C) The proportion of allowable costs for which the state will pay under the grant (the "State Share");
 - D) The grant payment schedule;
 - E) Requirements applicable to access, auditing, reporting and records; and
 - F) Requirements applicable to subagreements and employees of the grantee.
- 2) Grounds and procedures for action by the Agency in the event of noncompliance with these rules or any grant conditions.

b) Within 30 days of receipt of a grant award notification under this Section, the grantee shall notify the Agency in writing of its acceptance. ~~Failure by the applicant to so notify the Agency shall terminate the grant award. Failure to timely submit the notice of acceptance required by the grant offer may result in:~~

- 1) Withholding of the grant award;
- 2) Termination of the grant award; or
- 3) Such other action as the Agency may be authorized to take.

(Source: Amended at 11 Ill. Reg. _____, effective _____)

Section 870.305 Grant Award and Acceptance

a) When the Agency has approved or conditionally approved an application, the Agency shall notify the applicant in writing. The

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

grant award notification shall include the following:

- 1) All conditions of the grant, including:
 - A) Conditions of approval imposed under Section 870.304(b);
 - B) Criteria and procedures for determining allowable costs;
 - C) The proportion of allowable costs for which the state will pay under the grant (the "state share");
 - D) The grant payment schedule;
 - E) Requirements applicable to access, auditing, reporting and records; and
 - F) Requirements applicable to subagreements and employees of the grantee.

- 2) Grounds and procedures for action by the Agency in the event of noncompliance with these rules or any grant conditions.

- b) Within 30 days of receipt of a grant award notification under this Section, the grantee shall notify the Agency in writing of its acceptance. ~~Failure by the applicant to so notify the Agency shall terminate the grant award.~~ Failure to timely submit the notice of acceptance required by the grant offer may result in:

- 1) Withholding of the grant award;
- 2) Termination of the grant award; or
- 3) Such other action as the Agency may be authorized to take.

(Source: Amended at ___ Ill. Reg. ___, effective ____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: FEES FOR RADIOACTIVE MATERIAL LICENSES

- 2) Code Citation: 32 Ill. Adm. Code 331

- 3) Section Number:

331.10	Amendment	Proposed Action:
331.20	Amendment	Amendment
331.30	Amendment	Amendment
331.110	Amendment	Amendment
331.120	Amendment	Amendment
331.130	Amendment	Amendment
331.200	Amendment	Amendment
331.310	Amendment	Amendment
Appendix B	New Section	New Section
Appendix C	New Section	New Section
331.210	Repealed	

- 4) Statutory Authority: Implementing and authorized by Section 6b of the Radiation Protection Act (Ill. Rev. Stat. 1989, ch. 111, par. 216(b)).

- 5) A Complete Description of the Subjects and Issues Involved: This amendment will modify the Department of Nuclear Safety's rules authorizing the collection of fees from persons who apply for or hold radioactive materials licenses. Collection of such fees is authorized by the Radiation Protection Act and is necessary to cover, in part, the costs associated with the radiation safety programs implemented by the Department to ensure the safety of Illinois citizens.

The Department is amending the current fee rules to establish the fees applicable to radioactive materials licenses and sealed source and device evaluations that will be in effect as of 1991. The current fee schedule, contained in Appendix A of the rule, only establishes fees through 1990. The proposed new fees are set out in Appendices B and C. The Department is proposing to increase the amount of the fees 20% each year for three years and to increase the professional staff hourly rate from \$60.00 to \$75.00. It is envisioned that new fees will be promulgated prior to January 1, 1994, however, if the Department does not find it necessary to raise fees after January 1, 1993, the fees listed in Appendix B, Column 3, and Appendix C, Column 3, will remain in effect.

The Department is also proposing to modify the fee schedule by reducing the number of license categories and eliminating amendment fees for licenses where a fixed license fee is assessed. In most cases, the amendments for such licenses are routine and the Department has incorporated the cost of processing the amendments into the revised license fees. Also, in anticipation of execution of an amendment to the State's Agreement with the U.S. Nuclear Regulatory Commission, to transfer

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENTS

to the State regulatory authority over byproduct material as defined in Section 11e.(2) of the Atomic Energy Act of 1954, category 106A (current category 20) is being modified to include licenses authorizing possession of byproduct waste material and possession and maintenance of source material recovery operations in a standby mode. In addition, the Department is proposing that the fee for low-level radioactive waste disposal facility licenses issued pursuant to 32 Ill. Adm. Code 601 (category 107A) be based on the full cost of review.

For fees based on full cost of review, (categories 106A, 106B, 107A, and 107D), the Department is proposing that license applicants be required to pay a \$25,000 deposit when submitting their first license application or amendment application to the Department. The Department will send billings to the applicants or licensees whenever \$25,000 in recoverable expenses have been incurred or quarterly, whichever is earlier. Upon termination of the license or withdrawal of the initial license application, any remaining deposit will be refunded to the applicant or licensee. Section 331.200 is being modified to state in greater detail what costs are included in determining the full cost of review. For categories 106A, 106B, 107A and 107D licenses, the Department is proposing that the fee for minor (administrative) amendments be set by rule: \$250 (1991), \$300 (1992) and \$360 (1993 and after). Fees for other amendments would be based on the full cost of review.

In order to make the rule more understandable, the Department is proposing to delete the definitions of terms that are defined in Part 310 and add definitions of new terms that are used in the fee rule. The Department is also proposing to include formulas for determining the fee assessed for adding material use categories to a license. The method for determining this fee, however, is not being changed. Finally, the Department anticipates that it will be necessary to revise the fee rule upon adoption of proposed new 32 Ill. Adm. Code 335 and proposed amendments to 32 Ill. Adm. Code 330 (See 14 Ill. Reg. 11585 and 14 Ill. Reg. 11471, July 20, 1990) in order to make cross references consistent.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENTS

- 10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Betsy Salus
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9880

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: September 28, 1990
- B) Types of small businesses affected: This rule may affect small businesses that are licensed by the Department to possess, use, distribute, store, treat, or dispose of radioactive materials. The proposed rule would increase license and renewal fees by about 20% each year for 3 years. The proposed amendments would combine fee categories, eliminate amendment fees in most cases, and treat renewals in the same manner as initial licenses. As a result, some licensees may see the fee increase less than 20% or may even see a decrease in license fees.
- C) Reporting, bookkeeping or other procedures required for compliance: This rulemaking requires only the payment of a fee incident to licensure and consequently does not require licensees to perform reporting, bookkeeping, or other procedures for achieving compliance.
- D) Types of professional skills necessary for compliance: No particular professional skills are necessary for compliance.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY
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TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 331
FEES FOR RADIOACTIVE MATERIAL LICENSES

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AUTHORITY: Implementing and authorized by Section 6b of the Radiation Protection Act (Ill. Rev. Stat. 1985 1989, ch. 111½, par. 216(b)), as amended by P.A. 85-700, effective September 22, 1987).

SOURCE: Adopted at 10 Ill. Reg. 17239, effective September 25, 1986; amended at 11 Ill. Reg. 20570, effective January 1, 1988; amended at ____ Ill. Reg. ____, effective ____.

Section 331.10 Purpose

The regulations in this Part set out establish the fees charged for radioactive material licenses, and sealed source and device evaluations conducted in support of radioactive material licenses issued by the Illinois Department of Nuclear Safety (the Department) as authorized under the Radiation Protection Act (Ill. Rev. Stat. 1985 1989, ch. 111½, par. 216(b)). This Part shall not become effective for licenses authorizing the receipt, use, possession, storage, or disposal of byproduct material as defined in 3.1(b) of the Radiation Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 213.1) (i.e., licenses included in category 106A of Appendix B) until an agreement is entered into by the U.S. Nuclear Regulatory Commission and the

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State of Illinois which transfers to the State regulatory authority over such byproduct material, source material, special nuclear material in quantities not sufficient to form a critical mass, and low-level waste facilities.

(Source: Amended at ____ Ill. Reg. ____, effective ____.)
Section 331.20 Scope

Except for persons who apply for or hold only licenses exempted in Section 331.110, the regulations of this Part apply to a any person who is an applicant for, or holder of, a radioactive material license issued pursuant to 32 Ill. Adm. Code 330, 332 or 601, or a sealed source or device evaluation issued to a radioactive material licensee.

(Source: Amended at ____ Ill. Reg. ____, effective ____.)
Section 331.30 Definitions

The following definitions are applicable for use in this part only*.
Additional definitions for use in this Part are located in 32 Ill. Adm. Code 310.20.

"Application" means a request filed with the Department for a license, amendment, amendment to terminate a license, renewal, sealed source or device evaluation, amendment to a sealed source or device evaluation, or amendment for an exemption granted by the Department pursuant to this Part 32 Ill. Adm. Code: Chapter II.

"Amendment" means a modification in the license document that reflects changes to a radiation safety program or a sealed source or device evaluation which do not meet the criteria of a minor amendment.

"Amendment fee" means fees assessed for modifying a previously approved sealed source or device evaluation, or for modifying a license to increase the number of permanent jobsites listed on the license, to add a new material use category or to change the radiation safety program at a licensed facility. For licenses based on the full cost of review "Amendment fees" does not include the fee associated with processing a "minor amendment".

AGENCY NOTE: For licenses based on fixed fees, there is no fee assessed for amendments to change the radiation safety program. The cost to the Department for processing such amendments is incorporated into the fixed license fee. For licenses based on fixed cost, fees for adding additional jobsites or for adding additional material use categories are assessed in accordance with Section 331.120.

"Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of utilizing special nuclear material.

"Category I irradiator" means a gamma irradiator in which the sealed source is completely contained in a dry container constructed of solid material, the sealed source is shielded at all times, and human access to the sealed source and the volumes undergoing irradiation is not physically possible because of the design of the irradiator.

"Category II irradiator" means a controlled human access gamma irradiator in which the sealed source is contained in a dry container constructed of solid materials, is fully shielded when not in use, and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

"Category III irradiator" means a gamma irradiator in which the sealed source is contained in a storage pool (usually containing water), the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is physically restricted in its design configuration and proper mode of use.

"Category IV irradiator" means a controlled human access gamma irradiator in which the sealed source is contained in a storage pool (usually containing water), is fully shielded when not in use, and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

"Confirmatory environmental monitoring" means those surveys conducted by the Department either to establish whether the licensee has complied with the concentrations and exposure limits specified in 32 Ill. Adm. Code 332, 340, 601 or 606, or to provide data to evaluate potential health and environmental impacts resulting from licensed activities.

"Dispensing" means to remove aliquots of radioactive material from bulk stock and distribute portions to another licensee or to a person exempt from licensure.

"Distribution" means the transfer of radioactive material to three or more licensees or persons exempt from licensure pursuant to 32 Ill. Adm. Code 330 or 332.

"Educational institution" means a non-profit organization which has as its primary purpose the advancement of knowledge in one or more specific fields and which is accredited by the North Central Association of Colleges and Schools.

"Evaluation fees" means fees assessed for evaluation of new sealed sources or devices.

"Human use" means the internal or external administration of byproduct, source, or special nuclear material, or the radiation therefrom, to human beings.

"License fees" means fees for new radioactive material licenses or renewal of existing radioactive material licenses as specified in 32 Ill. Adm. Code 330.330, 332.120 or 601.130.

"Manufacture" means the dispensing or processing of radioactive material or the assembly of radioactive material as sealed sources into devices.

"Materials license" means a radioactive material license issued pursuant to 32 Ill. Adm. Code 330, 332 or 601.

"Material use category" means the category described in Appendix B that represents the use of radioactive material by the licensee or applicant.

"Minor amendment" means changes to a radiation safety program which are administrative in nature, such as changing the name of the Radiation Safety Officer or changing the users specified on a radioactive material license. A fee is charged for minor amendments to licenses when the initial license fee is based on full cost of review.

AGENCY NOTE: Although all licensees are required to obtain amendments prior to instituting administrative changes in the radiation safety program, no fee is assessed for minor amendments to licenses for which a fixed fee is prescribed in Appendix B. The cost to the Department of processing minor amendments to such licenses is incorporated in the initial license fee.

"NARM" means naturally occurring radioactive material or accelerator produced radioactive material.

"Permanent jobsite" means any location where licensed material is stored or used for more than 180 days during any consecutive 12 months.

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"Processing" means the preparation, manipulation or conversion of radioactive material.

"Radioactive material" includes byproduct, source, special nuclear material and NARM as defined in this Part.

"Sealed source" means any radioactive material that is encased in a capsule designed to prevent leakage or escape of the radioactive material.

"Source material" means:

Uranium or thorium, or any combination thereof, in any physical or chemical form; or

ores which contain by weight one-twentieth of one percent (0.05%) or more of uranium, thorium, or any combination thereof. Source material does not include special nuclear material.

"Special nuclear material" means:

Plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Department declares by order to be special nuclear material after the U.S. Nuclear Regulatory Commission or any successor thereto has determined the material to be such, but does not include source material; or

any material artificially enriched by any of the foregoing, but does not include source material.

"Temporary jobsite" means any location where licensed material is used or stored for 180 days or less during any consecutive 12 months.

"Treatment" means any method, technique or process, including storage for radioactive decay, designed to change the physical, chemical or biological characteristics or composition of any waste in order to render the waste safer for transport, storage or disposal, amenable to recovery, convertible to another usable material or reduced in volume. (Ill. Rev. Stat. 1989, ch. 111 $\frac{1}{2}$, par. 241-3)

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 331.110 Exemptions

No application fees, license fees, amendment fees, or renewal fees as described in Section 331.120 shall be required for:

- a) a general license issued pursuant to 32 Ill. Adm. Code 330.210, 330.220(a), (d), (e), (f), (g), (j), or 32 Ill. Adm. Code 330.900(a)(2) and (b)(2).
 - b) a license for possession and use of radioactive material applied for by, or issued to, an agency of a state, county, or municipal government, or any political subdivision thereof, except for licenses which authorize distribution of radioactive material, or products containing radioactive material, or licenses authorizing services to any person other than an agency or political subdivision of the state, county, or municipal government.
 - c) a license for possession and use of radioactive material applied for by, or issued to, an educational institution* as defined in Section 331.30 where such radioactive material specified in the license is used solely primarily for instructional purposes (i.e. teaching and training) purposes.
- *AGENCY NOTE: An educational institution is a non-profit organization whose purpose is the advancement of knowledge in one or more specific fields and which is accredited by the North Central Accreditation Association.
- d) a license authorizing the use of source material as shielding only in devices and containers, provided, however, that all other licensed radioactive material in the device or container will be subject to the fees prescribed in Appendix A of this Part, an application for amendment to a materials license for which the license fee is not based on full cost, that would not change the material use category or add additional permanent jobsites.
 - e) a license authorizing the use of source material as shielding only in devices and containers, provided, however, that all other licensed material in the device or container will be subject to the fees prescribed in Appendix B of this Part.
 - f) an application to change the status of a sealed source or device evaluation from "active" to "inactive". For purposes of this exemption, a sealed source or device evaluation is designated "active" if new sources or devices are being manufactured and/or distributed for use. An evaluation is designated "inactive" when

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such sources and devices are no longer manufactured for commercial distribution.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 331.120 Payment of Fees

Fees, as shown in the fee schedules of Appendices B and C of this Part, shall be assessed for applications for new licenses, amendments to add or change material use categories, amendments to increase the number of permanent jobsites, renewals of existing licenses, evaluations for new sealed sources and devices, and amendments to existing sealed source and device evaluations. In addition, for licenses requiring full cost review, fees as shown in Appendix B of this Part shall be assessed for all amendments, including minor amendments and amendments to terminate. The following criteria apply to the determination of these fees:

a) Application fees License fees:

- 1) Unless such fee an application for a license is exempt under Section 331.110, or the license fee is to be based on full costs, (see Appendix B), each application for which a fixed fee is prescribed in Appendix A B of this Part shall be accompanied by a remittance in the full amount of the fee. No application will be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received will be returned to the applicant. The application fee will be charged regardless of the Department's disposition of the application.

- 2) For applications covering only one material use category, the prescribed fee shall be the fee for the appropriate category as specified in Appendix B. For licenses covering more than one material use category, the fee shall be 100% of the highest fee for a material use category for which a license is sought, plus 30% of the fee listed for each other material use category for which a license is sought.

- 3) Multiple use locations: For additional permanent jobsites where radioactive material is stored or used under the same license, the applicant must submit 20% of the applicable material use category fee for each additional site. The total additional fee submitted for multiple use locations shall not exceed 100% of the application fee for that material use category.

- 4) The license fees listed in Appendix B are assessed for the term of the license.

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- b) License fees: Fees for review of applications for licenses are due within thirty (30) days of notification by the Department. For each application on which the review charges are based on full costs, such application will be billed at six-month intervals or when the review is completed, whichever is earlier. Each bill will identify the applications and the costs related to each. Full cost reviews:

- 1) Effective January 1, 1991, for license categories based on full cost review, the licensee will be billed quarterly or when the Department has incurred \$25,000 in unpaid full cost expenses, as defined in Section 331.200(c), whichever is earlier. Each bill will identify the applications and the costs related to each. Payment is due within 45 days of receipt.

- 2) Effective January 1, 1991, when the first application, other than an application for a minor amendment is received from a licensee for which Appendix B specifies that the review charges are based on full costs, the applicant shall submit the deposit prescribed in Appendix B of this Part. The licensee will be billed quarterly or when the Department has incurred \$25,000 in unpaid full cost expenses, as defined in Section 331.200, whichever is earlier. Each bill will identify the applications and the costs related to each. Payment is due within 45 days of receipt.

- 3) Applications for minor amendments to licenses subject to full cost reviews as specified in Appendix B, shall pay those fees identified as minor amendment fees at the time the amendment is filed with the Department.

- c) Fees for amendments: All applications for license amendments, listed in Appendix A and amendments to terminate licensed activities that are subject to fees based on the full cost of the reviews must be accompanied by an application fee of \$160. Fees for amendments and fees for amendments to terminate licensed activities that are subject to full cost reviews are due within thirty (30) days of notification by the Department. Each applicant will be billed at six-month intervals for all accumulated costs for each application the applicant has on file for review by the Department or when review is completed, whichever is earlier. Each bill will identify the applications and costs related to each. Amendment fees for materials licenses not subject to full cost reviews are payable at the time the application is filed. Adding material use categories:

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- 1) An application for amendment to a materials license that would add a material use category with a lower license fee must be accompanied by the total fee due for each new material use category as determined by the following formula:

$$F = 0.06 * N * L$$

where

F = Total fee due.
 N = Number of years remaining on the license (partial years count as one full year in this calculation).
 L = License fee for the new material use category.

- 2) An application for amendment to a materials license that would add a material use category with a higher fee must be accompanied by the total fee due as determined by the following formula:

$$F = (0.2 * H * N) - (0.14 * L * N)$$

where

F = Total fee due.
 N = Number of years remaining on the license (partial years count as one full year in this calculation).
 H = Higher fee required by new material use category.
 L = Highest license fee for a material use category currently authorized by the license.

- d) Renewal fees: All applications for renewals subject to fees based on the full cost of the review must be accompanied by an application fee of \$150. Fees for renewal of licenses subject to full cost reviews are due within thirty (30) days of notification by the Department. Each applicant will be billed at six-month intervals for all accumulated costs on each application that the applicant has on file for review by the Department or when the review is completed, whichever is earlier. Each bill will identify the applications and the costs related to each. Renewal fees for materials licenses not subject to full cost reviews are payable at the time the application is filed. Adding multiple use locations: An application for amendment to a materials license that would increase the number of permanent jobsites must be accompanied by the Total fee due as determined by the following formula:

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$$F = 0.04 * H * N * J$$

where

F = Total fee due.
 N = Number of years remaining on the license (partial years count as one full year in this calculation).
 H = The highest material use category applicable to the intended use of material at the new permanent jobsite.
 J = The number of permanent jobsites to be added. If there are 5 or more permanent jobsites, then J is equal to 5.

AGENCY NOTE: Although a licensee may have more than 5 permanent jobsites, the maximum additional fee for multiple permanent jobsites is the license fee for the highest material use category applicable at the permanent jobsite.

- e) Sealed source and device evaluations:

- 1) Requests for a sealed source or device evaluation shall be accompanied by the appropriate fee as specified in Appendix C of this Part.
 2) Requests to amend a sealed source or device evaluation must be accompanied by the appropriate fee as specified in Appendix C of this Part.

- e f) Reciprocity fees: Each application for reciprocal recognition of an out-of-state license under 32 Ill. Adm. Code 330.900(a)(1) or (b)(1) shall be accompanied by a remittance of 20% of the license the applicable fee for the applicable material use category indicated in Appendix B of this Part. However, such fee is not required if the applicant has paid to the Department a reciprocity fee for that license within twelve (12) 12 months prior to the date of commencement of the proposed activity and the proposed activity will not extend past 12 months from the receipt of the reciprocity fee the applicant has paid.

- f g) Fee payments: Payments shall be by check or money order made payable to the Illinois Department of Nuclear Safety.

- g) Should a licensee terminate his license voluntarily prior to the expiration date, the Department will issue a prorated refund of the application/renewal fees for those full years in which the license will not be in effect.

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- h) This section applies to all applications on file with the Department on or after the date the Department formally enters into a formal Federal-State Agreement, in accordance with Section 6B of the Radiation Protection Act.

(Source: Amended at Ill. Reg. __, effective __)

Section 331.130 Refunds

The following rules will be followed by the Department when calculating refunds to licensees and applicants for materials licenses:

- a) For licenses for which a fixed fee is prescribed in Appendix B, in the event that the Department terminates a license at the request of the licensee prior to the expiration date, the Department will issue a prorated refund of the license fees for each remaining full year for which the license fee was paid.
- b) For licenses for which a fixed fee is prescribed in Appendix B, in the event that the applicant withdraws, or the Department abandons or denies an application prior to issuance of the license document, sealed source evaluation or device evaluation, the Department will issue a refund totalling 80% of the total fee submitted for that license action.
- c) For licenses for which the license fee is based on full cost review, in the event that the applicant withdraws, or abandons, or the Department denies an application prior to issuance of the initial license, the Department will issue a refund totalling the deposit submitted for that application minus the full cost expenses incurred but not paid by the applicant. In the event the expenses incurred exceed the deposit, the applicant will be billed for the unpaid balance of full cost expenses as defined in Section 331.200. Each bill will identify the application and the related costs. Payment is due within 45 days of receipt.
- d) For licenses for which the fee is based on full cost review, upon termination of the license the Department will issue a refund totalling the deposit submitted, minus any outstanding full cost expenses. In the event that expenses incurred exceed the deposit, the applicant will be billed for the unpaid balance of full cost expenses as defined in Section 331.200. Each bill will identify the applications and the related costs. Payment is due within 45 days of receipt.

(Source: Added at Ill. Reg. __, effective __)

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Section 331.200 Average Cost Per Professional Staff-Hour Full Cost of Review

Fees for licenses, amendments, amendments to terminate a license, and renewals which are to be based on the full cost of review, as outlined specified in Appendix A B, of this Part on the following will be calculated based upon the full costs for the review using the professional staff rate of \$60 per hour, on the following:

- a) the time required by Departmental professional staff to conduct the review, including license file review, related travel expenses, correspondence preparation, and supervisory and management review, multiplied by the rate of \$75.00 per hour; and
- b) the time required by Departmental professional staff to conduct inspections or perform confirmatory environmental monitoring, including license file review, related travel expenses, correspondence preparation, and supervisory and management review, multiplied by the rate specified in subsection (a) above; and
- c) the cost of standard lab equipment and supplies, special environmental monitoring equipment, and servicing of such equipment; and
- d) the contractual support service costs, if any, incurred by the Department in conjunction with the review, inspections, and confirmatory environmental monitoring activities.

AGENCY NOTE: These support service costs may include, but are not limited to, rental of specialized equipment, acquisition of additional professional expertise not available within the Department, and laboratory fees charged to the Department.

(Source: Amended at Ill. Reg. __, effective __)

Section 331.210 Schedule of Fees For Radioactive Material Licenses (Repealed)

Applicants for materials licenses and holders of materials licenses shall pay the fees outlined in Appendix A of this Part.

(Source: Repealed at Ill. Reg. __, effective __)

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Section 331.310 Failure By Applicant or Licensee To Pay Prescribed Fee

Section 331.APPENDIX B FEE SCHEDULE FOR RADIOACTIVE MATERIAL LICENSES

In any case where the Department finds that an applicant or a licensee has failed to pay a prescribed fee required in this Part, the Department will process any the application and will return the application to the applicant with an explanation that the application is being returned because fees have not been paid. In addition, the Department will have the authority to suspend or revoke, in accordance with 32 Ill. Adm. Code 330.500, any license issued to the applicant or licensee if all required license fees have not been paid.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

MATERIAL USE CATEGORIES

FEE PAYABLE:

Jan.1-Dec.31, 1991 Jan.1-Dec.31, 1992 Jan.1, 1993 and after

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Radioactive Material (as defined in 32 Ill. Adm. Code 310.20)

A. Type A Broad Scope Manufacturing and Distribution - licenses (as specified in 32 Ill. Adm. Code 330.270) for possession and use of radioactive material and for processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, including manufacturing of a chemical mixture, compound, solution or alloy in which source material (as defined in 32 Ill. Adm. Code 310.20) is by weight less than 1/20 of 1 percent (0.05%) of the mixture, compound, solution or alloy:

\$13,562 \$16,274 \$19,529

License Fee:

B. Other Manufacturing and Distribution - licenses for possession and use of radioactive material and for processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, including manufacturing of a chemical mixture, compound, solution or alloy in which source material (as defined in 32 Ill. Adm. Code 310.20) is by weight less than 1/20 of 1 percent (0.05%) of the mixture, compound, solution or alloy:

\$7,290 \$8,748 \$10,498

License Fee:

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Jan. 1-Dec. 31, 1991 Jan. 1-Dec. 31, 1992 Jan. 1, 1993 and after

C. Distribution - licenses authorizing distribution of radioactive material or items containing radioactive material, not involving processing or manufacturing of radioactive material:

G. Type A Broad Scope Research and Development - licenses (as specified in 32 Ill. Adm. Code 330.270) for possession and use of radioactive material for research and development that do not authorize commercial distribution:

D. Category I Irradiator - licenses for possession and use of radioactive material as sealed sources in a Category I irradiator:

H. Other Research and Development - licenses for possession and use of radioactive material for research and development that do not authorize commercial distribution:

E. Category II, III or IV Irradiator - licenses for possession and use of less than 10,000 curies of radioactive material as sealed sources in a Category II, Category III or Category IV irradiator:

I. Service - licenses that authorize services for other licensees, including, but not limited to, leak testing and instrument calibration, but not including waste disposal transportation or radioactive waste broker services:

F. Category II, III or IV Irradiator - licenses for possession and use of 10,000 curies or more of radioactive material as sealed sources in a Category II, Category III, or Category IV irradiator:

J. Gas Chromatographs and X-Ray Fluorescence Analyzers - licenses for possession and use of radioactive material in sealed sources or detector cells for use in gas chromatographs and x-ray fluorescence analyzers:

License Fee:	\$ 2,488	\$ 2,986	\$ 3,583	License Fee:	\$ 3,484	\$ 4,181	\$ 5,017
Category I Irradiator - licenses for possession and use of radioactive material as sealed sources in a Category I irradiator:	\$ 1,295	\$ 1,554	\$ 1,865	Other Research and Development - licenses for possession and use of radioactive material for research and development that do not authorize commercial distribution:	\$ 2,699	\$ 3,239	\$ 3,886
Category II, III or IV Irradiator - licenses for possession and use of less than 10,000 curies of radioactive material as sealed sources in a Category II, Category III or Category IV irradiator:	\$ 4,231	\$ 5,077	\$ 6,093	Service - licenses that authorize services for other licensees, including, but not limited to, leak testing and instrument calibration, but not including waste disposal transportation or radioactive waste broker services:	\$ 3,629	\$ 4,355	\$ 5,226
Category II, III or IV Irradiator - licenses for possession and use of 10,000 curies or more of radioactive material as sealed sources in a Category II, Category III, or Category IV irradiator:	\$ 8,286	\$ 9,943	\$11,932	Gas Chromatographs and X-Ray Fluorescence Analyzers - licenses for possession and use of radioactive material in sealed sources or detector cells for use in gas chromatographs and x-ray fluorescence analyzers:	\$ 1,000	\$ 1,200	\$ 1,440
License Fee:				License Fee:			

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FEE PAYABLE:

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Radioactive Material (as defined in 32 Ill. Adm. Code 310.20)

A. Type A Broad Scope Manufacturing and Distribution - licenses (as specified in 32 Ill. Adm. Code 330.270) for possession and use of radioactive material and for processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, including manufacturing of a chemical mixture, compound, solution or alloy in which source material (as defined in 32 Ill. Adm. Code 310.20) is by weight less than 1/20 of 1 percent (0.05%) of the mixture, compound, solution or alloy:

\$13,562\$16,274\$19,529

License Fee:

B. Other Manufacturing and Distribution - licenses for possession and use of radioactive material and for processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, including manufacturing of a chemical mixture compound, solution or alloy in which source material (as defined in 32 Ill. Adm. Code 310.20) is by weight less than 1/20 of 1 percent (0.05%) of the mixture, compound, solution or alloy:

\$ 7,290\$ 8,748\$10,498

License Fee:

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C. Distribution - licenses authorizing distribution of radioactive material or items containing radioactive material, not involving processing or manufacturing of radioactive material:

\$ 2,488\$ 2,986\$ 3,583

License Fee:

D. Category I Irradiator - licenses for possession and use of radioactive material as sealed sources in a Category I irradiator:

\$ 1,295\$ 1,554\$ 1,865

License Fee:

E. Category II, III or IV Irradiator - licenses for possession and use of less than 10,000 curies of radioactive material as sealed sources in a Category II, Category III or Category IV irradiator:

\$ 4,231\$ 5,077\$ 6,093

License Fee:

F. Category II, III or IV Irradiator - licenses for possession and use of 10,000 curies or more of radioactive material as sealed sources in a Category II, Category III, or Category IV irradiator:

\$ 8,286\$ 9,943\$11,932

License Fee:

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	Jan.1-Dec.31, 1991	Jan.1-Dec.31, 1992 and after
G. Type A Broad Scope Research and Development - licenses (as specified in 32 Ill. Adm. Code 330.270) for possession and use of radioactive material for research and development that do not authorize commercial distribution:	\$ 3,484	\$ 5,017
	License Fee:	
H. Other Research and Development - licenses for possession and use of radioactive material for research and development that do not authorize commercial distribution:	\$ 4,181	\$ 2,972
	License Fee:	
I. Service - licenses that authorize services for other licensees, including, but not limited to, leak testing and instrument calibration, but not including waste disposal transportation or radioactive waste broker services:	\$ 2,699	\$ 3,886
	License Fee:	
J. Gas Chromatographs and X-Ray Fluorescence Analyzers - licenses for possession and use of radioactive material in sealed sources or detector cells for use in gas chromatographs and x-ray fluorescence analyzers:	\$ 3,629	\$ 5,226
	License Fee:	
K. Other - all other specific radioactive material licenses not specified elsewhere in this fee schedule, including, but not limited to, licenses for possession and use of radioactive material in sealed sources for use in fixed and portable gauges:	\$ 3,298	\$ 4,749
	License Fee:	
A. Wireline Service Operations - licenses specifically authorizing use of radioactive material for wireline services, well surveys, and tracer studies other than field flooding tracer studies:	\$ 3,298	\$ 4,749
	License Fee:	
B. Field Flood Studies - licenses specifically authorizing use of radioactive material for wireline services, well surveys, tracer studies, or field flood tracer studies:	\$ 6,596	\$ 9,498
	License Fee:	

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Wireline Service Operations (as defined in 32 Ill. Adm. Code 351)

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Industrial Radiography (as defined in 32 Ill. Adm. Code 350)

Industrial Radiography at Permanent and Temporary Jobsites - licenses specifically authorizing use of radioactive material for industrial radiography at permanent or temporary jobsites:

License Fee: \$ 8,336

\$10,003

\$12,004

104

Human use of radioactive material

A. Type A Broad Scope Medical and Teletherapy - licenses (as specified in 32 Ill. Adm. Code 330.270) authorizing human use of radioactive material, including research and development, including use of radioactive material in sealed sources contained in teletherapy devices for human use of radioactive material and for the irradiation of other items:

License Fee: \$ 6,344

\$ 7,613

\$ 9,135

B.

Teletherapy - licenses for possession and use of radioactive material as sealed sources contained in teletherapy devices for medical use of radioactive material and for the irradiation of other items:

License Fee: \$ 4,168

\$ 5,002

\$ 6,002

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENTS

MATERIAL USE CATEGORIES

FEE PAYABLE:

Jan. 1-Dec. 31, 1991 Jan. 1-Dec. 31, 1992 Jan. 1, 1993 and after

C. Medical Use - licenses for human use of radioactive material, except licenses for radioactive material in sealed sources contained in teletherapy devices and Type A specific license of broad scope:

License Fee: \$ 3,433

\$ 4,120

\$ 4,944

D. Limited Medical Use - licenses restricted to only the human use of radioactive material specified in 32 Ill. Adm. Code 330.220(h):

License Fee: \$ 622

\$ 746

\$ 895

105

General licenses

General licenses (as specified in 32 Ill. Adm. Code 330.220(f))

License Fee: \$ 518

\$ 622

\$ 746

106

Source Material (as defined in 32 Ill. Adm. Code 310.20) and Byproduct Material (as defined in 32 Ill. Adm. Code 332.20)

A. Possession and Use of Source and Byproduct Material - licenses for possession and use of source material in recovery operations such as milling, in-situ leaching, heap-leaching, ore buying stations, ion exchange facilities

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENTS

MATERIAL USE CATEGORIES

FEE PAYABLE:

Jan. 1-Dec. 31, 1991 Jan. 1-Dec. 31, 1992 Jan. 1, 1993
and after

and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations as well as licenses authorizing the possession and maintenance of a facility in a standby mode:

License/Amendment Fee: \$25,000
Deposit + Full Cost \$ 360

Minor Amendment Fee: \$ 250

B.

Possession and use of source material - licenses for possession and use of source material which require a specific radioactive materials license. This does not include licenses authorizing manufacture and distribution of source material. This does not include specific licenses authorizing source material used for shielding or source material authorized for use in manufacturing operations as described in Material Use Categories 101A and B:

License/Amendment Fee: \$25,000
Deposit + Full Cost \$ 360

Minor Amendment Fee: \$ 250

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENTS

MATERIAL USE CATEGORIES

FEE PAYABLE:

Jan. 1-Dec. 31, 1991 Jan. 1-Dec. 31, 1992 Jan. 1, 1993
and after

107

Radioactive Material Waste Disposal

A. Low-Level Radioactive Waste Disposal Facilities - licenses issued pursuant to 32 Ill. Adm. Code 601 specifically authorizing the disposal of low-level radioactive waste away from the point of generation:

License/Amendment Fee: \$25,000
Deposit + Full Cost \$ 360

Minor Amendment Fee: \$ 250

B. Radioactive Waste Treatment Facilities - licenses specifically authorizing the receipt of radioactive waste material from other persons for treatment and transfer to a person authorized to receive or dispose of the material:

License Fee: \$15,925

C. Radioactive Waste Broker - licenses specifically authorizing the receipt of pre-packaged radioactive waste material from other persons. The licensee will dispose of the material by transfer to a person authorized to receive or dispose of the material:

License Fee: \$ 8,300

MATERIAL USE CATEGORIES		FEE PAYABLE:	
		Jan.1-Dec.31, 1991	Jan.1-Dec.31, 1992
D. Other Radioactive Waste - Licenses for other waste disposal methodologies (e.g., 32 Ill. Adm. Code 340.3020 authorizations):	License/Amendment Fee:	\$25,000 Deposit + Full Cost	\$25,000 Deposit + Full Cost
	Minor Amendment Fee:	\$ 250	\$ 300
108 Nuclear Laundries - licenses for commercial collection and laundry of items contaminated with radio- active material:	License Fee:	\$ 5,683	\$ 6,820
109 Decontamination Facilities - Licenses that authorize receipt of items contaminated with radioactive material for the purpose of decon- taminating such items:	License Fee:	\$ 6,820	\$ 8,183

AGENCY NOTE: The Department anticipates that at some point after January 1, 1993, it will be necessary to increase fees and revise the fee schedule accordingly. However, until such revision is promulgated by rulemaking, the fees in effect on January 1, 1993, will remain in effect.

(Source: Added at __ Ill. Reg. __, effective __)

Section 331.APPENDIX C FEE SCHEDULE FOR SEALED SOURCE AND DEVICE EVALUATIONS		REVIEW CATEGORIES		EVALUATION FEE PAYABLE:	
		Jan.1-Dec.31, 1991	Jan.1-Dec.31, 1992	Jan.1, 1993 and after	
200 Device Evaluation - safety evaluation of devices or products containing radioactive material for commercial distribution or evaluation of devices or products containing radioactive material manufactured in accordance with the unique specifications of, and for use by, one person licensed by the Department:	Evaluation Fee:	\$ 4,000	\$ 4,800	\$ 5,760	
	Amendment Fee:	\$ 2,000	\$ 2,400	\$ 2,880	
201 Sealed Source Evaluation - safety evaluation of sealed sources containing radioactive material for commercial distribution or safety evaluation of sealed sources containing radioactive material manufactured in accordance with the unique specifications of, and for use by, one person licensed by the Department:	Evaluation Fee:	\$ 1,000	\$ 1,200	\$ 1,440	
	Amendment Fee:	\$ 500	\$ 600	\$ 720	

(Source: Added at __ Ill. Reg. __, effective __)

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: AID TO THE AGED, BLIND OR DISABLED
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Numbers: Proposed Action:
113.251 Amendment
113.303 Amendment
- 4) Statutory Authority: Sections 3-1.2, 3-5, 12-8 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 3-1.2, 3-5, 12-8 and 12-13)

5) A Complete Description of the Subjects and Issues Involved: Services provided under the Department's Hardship Program overlap with services provided under the Aid to the Aged, Blind or Disabled (AABD) Program. This rulemaking eliminates that duplication. Additionally, this rulemaking removes the day care provisions from Section 113.303 since this service is not needed by AABD clients.

6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date?
Yes ☒ No ☐

8) Does this Proposed Amendment contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendments begin on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113

AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section	
113.1	Description of the Assistance Program
113.5	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
113.9	Client Cooperation
113.10	Citizenship
113.20	Residence
113.30	Age
113.40	Blind
113.50	Disabled
113.60	Living Arrangement
113.70	Institutional Status
113.80	Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
113.100	Unearned Income
113.101	Budgeting Unearned Income
113.102	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.103	Initial Receipt of Unearned Income
113.104	Termination of Unearned Income
113.105	Unearned Income In-Kind
113.106	Earmarked Income
113.107	Lump Sum Payments and Income Tax Refunds
113.108	Protected Income
113.109	Earned Income
113.110	Budgeting Earned Income
113.111	Protected Income
113.112	Earned Income
113.113	Budgeting Earned Income
113.114	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115	Initial Employment
113.116	Budgeting Earned Income For Contractual Employees

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Budgeting Earned Income For Non-contractual School Employees

Section	
113.117	Termination of Employment
113.118	Exempt Earned Income
113.120	Recognized Employment Expenses
113.125	Income From Work/Study/Training Programs
113.130	Earned Income From Self-Employment
113.131	Earned Income From Roomer and Boarder
113.132	Earned Income From Rental Property
113.133	Earned Income In-Kind
113.134	Payments from the Illinois Department of Children and Family Services
113.139	Assets
113.140	Exempt Assets
113.141	Asset Disregard
113.142	Deferral of Consideration of Assets
113.143	Property Transfers For Applications Filed Prior To October 1, 1989
113.154	Property Transfers For Applications Filed On Or After October 1, 1989
113.155	Court Ordered Child Support Payments of Parent/Step-Parent
113.156	Sponsors of Aliens
113.157	Assignment of Medical Support Rights
113.160	

SUBPART D: PAYMENT AMOUNTS

Section	
113.245	Payment Levels for AABD
113.246	Personal Allowance
113.247	Personal Allowance Amounts
113.248	Shelter
113.249	Utilities and Heating Fuel
113.250	Laundry
113.251	Telephone
113.252	Transportation, Lunches, Special Fees
113.253	Allowances for Increase in SSI Benefits
113.254	Nursing Care or Personal Care in Home Not Subject to Licensing
113.255	Sheltered Care in a Licensed Group Care Facility
113.256	Shopping Allowance
113.257	Special Allowances for Blind and Partially Sighted (Blind Only)
113.258	Home Delivered Meals
113.259	AABD Fuel and Utility Allowances By Area
113.260	Sheltered Care Rates

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section
113.261

Cases in Licensed Intermediate Care Facilities,
Licensed Skilled Nursing Facilities, DMHDD
Facilities and All Other Licensed Medical Facilities

SUBPART E: OTHER PROVISIONS

Section

113.300 Persons Who May Be Included In the Assistance Unit
113.301 Grandfathered Cases
113.302 Interim Assistance
113.303 Special Needs Authorizations
113.304 Retrospective Budgeting
113.305 Budgeting Schedule
113.306 Purchase and Repair of Household Furniture
113.307 Property Repairs and Maintenance
113.308 Excess Shelter Allowance
113.320 Redetermination of Eligibility
113.500 Attorney's Fees for SSI Appellants

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896,

DEPARTMENT OF PUBLIC AID

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effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 113.251 Telephone

SUBPART D: PAYMENT AMOUNT

- a) The monthly cost of a telephone and installation charges is allowed at the minimum community rate when the client has no access to a telephone and the service is essential because of:

- 1) illness,
- 2) employment, or
- 3) residence in an isolated area.

- b) No allowance is made for security deposits or past due bills.

- c) For installation charges, see 89 Ill. Adm. Code 116.520.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

SUBPART E: OTHER PROVISIONS

Section 113.303 Special Needs Authorizations

If the AABD unit is determined eligible (or presumptively eligible) for an assistance payment, additional payment(s) will be authorized upon request of the client and verification of provision of the service in the following circumstances:

- a) Correction of an underpayment.
- b) Repair of a Braille writer, radio or typewriter at the most reasonable rate.
- c) Day-care to enable the caretaker to participate in employment, education or training. For Representative Payee (RPY) cases only when the child is caretaker is not a responsible relative (see subsections (e) and (f)).
- d) Day-care for children of elementary and secondary school parents to enable the high school parents to attend school (see subsections (e) and (f)).
- e) Qualified providers

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 113.303 Special Needs Authorizations (Cont'd)

The Department will approve payment for day care provided in any of the following:

- 1) A LICENSED DAY CARE CENTER
 - A DAY CARE CENTER IS ANY CHILD CARE FACILITY LICENSED BY THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES (DCFS) WHICH:
 - A) REGULARLY PROVIDES DAY CARE FOR LESS THAN 24 HOURS PER DAY, AND
 - B) FOR MORE THAN 8 CHILDREN IN A FAMILY HOME, OR
 - C) FOR MORE THAN 3 CHILDREN IN A FACILITY OTHER THAN A FAMILY HOME, -- (Section 2.09 of the Child Care Act of 1969, Ill. Rev. Stat., 1987, ch. 23, par. 2212.09)
- 2) A LICENSED DAY CARE HOME
 - A) A DAY CARE HOME IS ANY FAMILY HOME WHICH PROVIDES DAY CARE FOR LESS THAN 24 HOURS PER DAY FOR MORE THAN 3 CHILDREN UP TO A MAXIMUM OF 8 CHILDREN, -- THE MAXIMUM OF 8 CHILDREN INCLUDES THE FAMILY'S NATURAL OR ADOPTED CHILDREN AND ALL PERSONS UNDER THE AGE OF 14.
 - B) A LICENSED DAY CARE HOME DOES NOT INCLUDE A HOME WHICH PROVIDES DAY CARE TO ONLY CHILDREN FROM THE SAME HOUSEHOLD, -- A DAY CARE HOME MUST BE LICENSED BY DCFS.
 - C) THE DEPARTMENT WILL NOT PAY FOR DAY CARE PROVIDED BY A PERSON (RELATIVE OR NON-RELATIVE) LIVING IN THE SAME HOME AS THE CHILD(REN) NEEDING CARE, -- (Section 2.10 of the Child Care Act of 1969, Ill. Rev. Stat., 1987, ch. 23, par. 2212.18)
- 3) A Home Not Subject to Licensing
 - A) A home not subject to licensing is a home which provides day care for less than 24 hours per day, and does not meet the criteria described in paragraphs (A) and (B) above for a day care center or day care home.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 113.303 Special Needs Authorizations (Cont'd)

B) The Department will not make payment for day care provided by a person (relative or non-relative) living in the same home as the child(ren) needing care.

E) Payment Information

- 1) Maximum rates for day care have been established by the DCFS (see 89 Ill. Adm. Code 256.5(g)). The Department of Public Aid will allow payment in an amount not to exceed the maximum rates per child, as established by DCFS.
- 2) The Department will make payment only for the days care is required. -- However, if necessary, a day care arrangement may be maintained when care is not actually provided but is needed to maintain the day care slot. -- Reasons for maintaining an arrangement for day care include: illness of child or child's caretaker, a holiday, vacation of the child or of the child's caretaker. -- Payment will be made to maintain an arrangement for day care for a period not to exceed the total of two calendar weeks per year.
- 3) If transportation is furnished by the day care provider, the rate approved for care includes the transportation cost. -- No additional payment will be authorized for transportation.
- 4) The Department will allow payment only after the child's caretaker has submitted a statement, signed by the day care provider, verifying (i) the number of days/hours per child, the amount of care provided,
- 5) If a day care center's regular charge is less than the maximum rate, the Department will approve the regular charge. -- The Department will not pay for child care services at a rate which is higher than the maximum rate charged to clients for whom services are not paid by the Department.
- 6) The Department will not approve payment for any day the day care center is not in operation.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 113.303 Special Needs Authorizations (Cont'd)

- 7) ~~In not-for-profit day-care centers, the rate paid by the Department is not to exceed the actual cost of care on a per-child basis, for the facility providing the service, or the maximum charged to clients for whom services are not paid by the Department. (The Department will not pay more for clients for day care than is charged to a non-public aid client.)~~
- 8) ~~The Department will not pay for special fees which may be charged by the center.~~

g)c) Relative Providing Care in the Home

This is limited to assistance units authorized for this need prior to July 1, 1983. New approvals of this item cannot be authorized on or after July 1, 1983.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

1) The Heading of the Part: GENERAL ASSISTANCE

2) Code Citation: 89 Ill. Adm. Code 114

3) Section Number: Proposed Action:
114.402 Amendment

4) Statutory Authority: Sections 6-1.2, 6-2, 12-8 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 6-1.2, 6-2, 12-8 and 12-13)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking revises the Department's Special Needs policy for the General Assistance Program by eliminating the duplication of certain services that are also provided under the Department's Hardship Program. The purchase and repair of furniture and other household items are covered under the Hardship Program.

6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date?
Yes ☒ No ☐

8) Does this Proposed Amendment contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS	
Section	
114.1	Description of the Assistance Program
114.5	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
114.9	Client Cooperation
114.10	Citizenship
114.20	Residence
114.30	Age
114.40	Relationship
114.50	Living Arrangement
114.52	Social Security Numbers
114.60	Work Registration Requirements
114.61	Individuals Exempt From Work Registration Requirements
114.62	Job Service Registration
114.63	Failure to Maintain Current Job Service Registration
114.64	Responsibility to Seek Employment
114.70	Initial Employment Expenses
114.80	Work and Training Programs
114.85	Downstate General Assistance - Food Stamps
114.90	Employment and Training Pilot Project
114.100	Project Chance Participation/Cooperation Requirements (Renumbered)
	General Assistance Jobs Program (Repealed)

SUBPART C: PROJECT ADVANCE

Section	
114.108	Project Advance
114.109	Project Advance Participation Requirements of Adjudicated Fathers
114.110	Project Advance Cooperation Requirements of Adjudicated Fathers
114.111	Project Advance Sanctions
114.113	Project Advance Good Cause for Failure to Comply
114.115	Individuals Exempt From Project Advance
114.117	Project Advance Supportive Services

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

SUBPART D: PROJECT CHANGE

Section 114.120	Employment, Training, Rehabilitation, and Advocacy for General Assistance Programs Administered by the Illinois Department of Public Aid
114.121	Persons Required to Participate in Employment and Training
114.122	Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act
114.123	Persons in Need of Work Rehabilitative Services (WRS) to Become Employable
114.124	Employment and Training Participation/Cooperation Requirements
114.125	Employment and Training Program Orientation
114.126	Employment and Training Program Full Assessment Process/Development of an Employment Plan
114.127	Employment and Training Program Components
114.128	Employment and Training Sanctions
114.129	Good Cause For Failure to Cooperate With Work and Training Participation Requirements
114.130	Employment and Training Supportive Services
114.140	Employment Child Care (Repealed)

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section 114.200	Unearned Income
114.201	Budgeting Unearned Income
114.202	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.203	Initial Receipt of Unearned Income
114.204	Termination of Unearned Income
114.210	Exempt Unearned Income
114.220	Education Benefits
114.221	Unearned Income In-Kind
114.222	Earmarked Income
114.223	Lump Sum Payments
114.224	Protected Income
114.225	Earned Income
114.226	Budgeting Earned Income
114.227	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.228	Initial Employment
114.229	Termination of Employment
114.230	Exempt Earned Income
114.235	Recognized Employment Expenses
114.240	Income From Work/Study/Training Program (Repealed)

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SUBPART F: PAYMENT AMOUNTS

Section 114.241	Earned Income From Self-Employment
114.242	Earned Income From Roomer and Boarder
114.243	Earned Income From Rental Property
114.244	Earned Income In-Kind
114.245	Payments from the Illinois Department of Children and Family Services
114.246	Budgeting Earned Income For Contractual Employees
114.247	Budgeting Earned Income For Non-Contractual School Employees
114.250	Assets
114.251	Exempt Assets
114.252	Asset Disregards
114.260	Deferral of Consideration of Assets (Repealed)
114.270	Property Transfers
114.280	Supplemental Payments

SUBPART F: PAYMENT AMOUNTS

Section 114.350	Payment Levels for General Assistance
114.351	Payment Levels in Group I Counties
114.352	Payment Levels in Group II Counties
114.353	Payment Levels in Group III Counties

SUBPART G: OTHER PROVISIONS

Section 114.400	Persons Who May Be Included In the Assistance Unit
114.401	Eligibility of Strikers
114.402	Special Needs Authorizations
114.403	Institutional Status
114.404	Retrospective Budgeting
114.405	Budgeting Schedule
114.420	Redetermination of Eligibility
114.430	Twelve Month Extension of Medical Assistance Due to Increased Income From Employment

SUBPART H: CHILD CARE

Section 114.450	Child Care
114.452	Child Care Eligibility
114.454	Qualified Provider
114.456	Notification of Available Services
114.458	Participant Rights and Responsibilities
114.462	Additional Service to Secure or Maintain Child Care Arrangements
114.464	Rates of Payment for Child Care

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Section 114.466 Method of Providing Child Care

SUBPART I: TRANSITIONAL CHILD CARE

Section 114.500 Transitional Child Care Eligibility
 114.504 Duration of Eligibility for Transitional Child Care
 114.506 Loss of Eligibility for Transitional Child Care
 114.508 Qualified Provider
 114.510 Notification of Available Services
 114.512 Participant Rights and Responsibilities
 114.514 Child Care Overpayments and Recoveries
 114.516 Fees for Service for Transitional Child Care
 114.518 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 6-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134,

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effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding sections being codified with no substantive

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change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989 for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746,

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effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART G: OTHER PROVISIONS

Section 114.402 Special Needs Authorizations

If the General Assistance unit is determined eligible for an assistance payment, additional payment(s) will be authorized upon request of the client and verification of provision of the service in the following circumstances:

- a) A change in mailing date of the regular warrant creates a period of unmet need.
- b) Correction of an underpayment.
- c) A student who is a junior or senior in high school is included in the assistance unit as an eligible child (applies only to family cases). The allowance is \$15.00 per quarter payable three times a year.
- d) A therapeutic diet allowance is required for an eligible recipient and the diet is prescribed by a physician. The amounts are:

1) Children	\$17.82 per month
2) Adults, less than 1700 calories	\$ 7.92 per month
3) Adults, 1700 calories or more	\$17.82 per month
- e) Household-furniture-and-equipment
 - 1) Payment-for-the-purchase-of-household-furniture-and-equipment-will-be-authorized-when
 - A) the-item-is-essential,-and

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Section 114.402 Special Needs Authorizations (Cont'd)

- B) ~~the existing item cannot be repaired or its net worth the cost of repair.~~
- 2) ~~Payment for the repair of household furniture and equipment will be authorized when the existing item is repairable and the cost of such repairs is less than the replacement cost.~~
- 3) ~~The household furnishings and equipment considered essential items are:~~
- A) ~~Stoves~~
 - B) ~~Refrigerator~~
 - C) ~~Kitchen Tables~~
 - D) ~~Kitchen Chairs~~
 - E) ~~Beds~~

~~E) Transportation is required for drug and alcohol treatment/rehabilitation programs. Transportation is not to be paid by the Department if it can be provided without charge by relatives, friends or other agencies or services. A client is expected to use any cost free mode of transportation available in the community.~~

~~g)f) The Department will not use special needs items to determine need in establishing initial or continuing eligibility for GA. Need based on the Payment Level must exist before the consideration of payment for a special need.~~

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) The Heading of the Part: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM
- 2) Code Citation: 89 Ill. Adm. Code 149
- 3) Section Number: 149.50 Proposed Action: Amendment
- 4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: This revision is in response to comments received in the OAG audit performed in March of this year. Revision of Administrative Rule Section 149.50 will allow direct contact with a hospital within the required 10 calendar days timetable as acceptable, in response to an invitation to participate in ICARE negotiations. This direct contact must still be confirmed by certified or registered mail notifying the Department of a hospital's intent to participate in ICARE negotiations. Currently, the hospital must notify the Department within 10 calendar days by certified or registered mail of their intent to participate in negotiations. This method of notification is not always possible due to the short time period and delays in the mail process.
- 6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐
- 8) Does this Proposed Amendment contain incorporations by reference? No
- 9) Are there any other Proposed Amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be

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in writing and should be addressed to Daniel Leikvold, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date Proposed Amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: September 17, 1990
- B) Types of small businesses affected: Medical Providers
- C) Reporting, bookkeeping or other procedures required for compliance: No new procedures required.
- D) Types of professional skills necessary for compliance: No new skills required.

The full text of the Proposed Amendment begins on the next page:

Section	
149.5	Illinois Competitive Access and Reimbursement Equity (ICARE) Program
149.25	Definition of Terms
149.50	Notification of Negotiations
149.75	Hospital Participation in ICARE Program Negotiations
149.100	Negotiation Procedures
149.105	Factors Considered In Awarding ICARE Contracts
149.125	Closing an ICARE Area
149.150	Administrative Review
149.175	Payments to Contracting Hospitals
149.200	Admitting and Clinical Privileges
149.205	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment
149.225	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program
149.250	Contract Monitoring
149.275	Transfer of Recipients
149.300	Validity of Contracts
149.305	Termination of ICARE Contracts
149.325	Hospital Services Procurement Advisory Board

AUTHORITY: Implementing Article II of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987-1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987-1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Recodified from 89 Ill. Adm. Code 140.940 thru 140.972 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. at 12095, effective July 15, 1988; amended at 13 Ill. Reg. 554, effective January 1, 1989; amended at 13 Ill. Reg. 15070, effective September 15, 1989; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

PART 149
ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT
EQUITY (ICARE) PROGRAM

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

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Section 149.50 Notification of Negotiations

The Department shall notify in writing by certified or registered mail, return receipt requested, all hospitals within an ICARE area that it intends to open negotiations for the purpose of contracting for inpatient hospital care provided to recipients. The hospital shall have ten (10) calendar days after receipt of the Department's notification to notify, by ~~certified or registered mail, return receipt requested~~, the Department of its interest, or lack of interest, in participating in the ICARE Program. Direct contact to the Department by the hospital within the (10) calendar days is acceptable, but must be followed by certified or registered mail, notifying the Department of the hospital's intent to participate. Failure of the hospital to respond by ~~certified or registered mail, return receipt requested~~, to the Department's notice within ten (10) calendar days shall result in exclusion from negotiations and thus exclusion from the possibility of receiving a contract under the ICARE Program.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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1) Heading of the Part:

Maternal and Child Health Services Code

2) Code Citation:

77 Ill. Adm. Code 630

3) Section Numbers:

630.25

630.70

630.220

Proposed Action:

Amendments

Amendments

New Section

4) Statutory Authority:

The Civil Administrative Code of Illinois
Ill. Rev. Stat. 1989, ch. 127, par. 55 et seq.

5) A Complete Description of the Subjects and Issues Involved:

The proposed amendments describe the methodology and scope of outreach and case management activities conducted by local community health agencies funded by the Maternal and Child Health program, and describe requirements for claiming federal matching funds for these activities. The methodology and scope includes standards agencies must meet and minimum qualifications for the staff to conduct these activities.

The Maternal and Child Health program funds local community health organizations to provide a variety of Maternal and Child Health Services. The methodology and scope of these services are described in this part.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates that this proposed rulemaking will become effective approximately six to nine months, from the date of publication as proposed in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes _____ No X

7) Does this Rulemaking contain an Automatic Repeal Date? Yes _____ No X

If "yes," please specify the date: _____

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8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☐ No ☒

If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☐ No ☒

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
10) Statement of Statewide Policy Objectives:		
These rules will provide uniform guidelines for outreach and case management activities conducted as part of MCH programs and specify the requirements to claim federal matching funds for these activities.		
11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:		
Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.		
These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.		
Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.		
12) Initial Regulatory Flexibility Analysis:		
A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:		
September 11, 1990		
B) Type of Small Businesses Affected:		

10) Statement of Statewide Policy Objectives:

These rules will provide uniform guidelines for outreach and case management activities conducted as part of MCH programs and specify the requirements to claim federal matching funds for these activities.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

September 11, 1990

B) Type of Small Businesses Affected:

Local community health organizations receiving Maternal and Child Health program funds.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance: Maintenance of records on persons served; records of staff time and activities.

D) Types of Professional Skills Necessary for Compliance:

Nursing or social work skills; clerical skills.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTSTITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER i: MATERNAL AND CHILD HEALTH

PART 630

MATERNAL AND CHILD HEALTH SERVICES CODE

SUBPART A: GENERAL

SECTION

Legislative Base
Administration
Incorporated Materials630.10
630.20
630.25

SUBPART B: PRENATAL AND NEWBORN CARE PROGRAM

Health Services for Women of Reproductive Age
Health Services for Children in the First Year of Life630.30
630.40

SUBPART C: CHILD HEALTH CARE PROGRAM

Health Services for Children from One Year of Age to Early
Adolescence
Health Services for Adolescents630.50
630.60

SUBPART D: ADMINISTRATIVE REQUIREMENTS

Definitions
Standards
Records
Reports
In-Service Training
Evaluation
Use of Project Funds
Program Income
Eligibility for Services
Availability of Services
Utilization of Community Resources
Abortions and Sterilizations
Reasonable Cost
Preparation of Applications
Review under Administrative Review Law
Outreach and Case Management630.70
630.80
630.90
630.100
630.110
630.120
630.130
630.140
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630.170
630.180
630.190
630.200
630.210
630.220Appendix A MCH Grant Proposal Review Form
Appendix B Illinois Department of Public Health Reimbursement Certification
Form

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Appendix C Instructions for Completing Reimbursement Certification Form
Appendix D Plans to Achieve Objectives
Appendix E Application and Plan for Public Health Program Grant

AUTHORITY: Implementing "AN ACT relating to the prevention of developmental disabilities" (111. Rev. Stat. 1989, ch. 111 1/2, pars. 2101 et seq.), the Lead Poisoning Prevention Act (111. Rev. Stat. 1989, ch. 111 1/2, pars. 1301 et seq.), "AN ACT concerning the disease of phenylketonuria, designating certain powers and duties in relation thereto, providing penalties for violations thereof, to repeal an Act therein named and to make an appropriation in connection therewith" (111. Rev. Stat. 1989, ch. 111 1/2, pars. 4903 et seq.), "AN ACT to revise the law in relation to coroners" (111. Rev. Stat. 1989, ch. 31, par. 10.2a), the Infant Mortality Reduction Act, (111. Rev. Stat. 1989, ch. 111 1/2, pars. 7001 et seq.), the Problem Pregnancy Health Services and Care Act (111. Rev. Stat. 1989, ch. 111 1/2, pars. 4601-100 et seq.), and authorized by the Civil Administrative Code of Illinois (111. Rev. Stat. 1989, ch. 127, pars. 55.05).

SOURCE: Adopted and codified 6 111. Reg. 5566, effective April 20, 1982; amended at 7 111. Reg. 16422, effective November 23, 1983; amended at 14 111. Reg. 11219, effective July 1, 1990; amended at 15 111. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 630.25 Incorporated Materials

The following are standards incorporated or referenced in this Part:

a) Codes and Standards

- 1) Accreditation Manual for Hospitals (1990)
Joint Commission on Accreditation of Health Care
Organizations
875 North Michigan Avenue
Chicago, Illinois 60611
- 2) Hospital Care of Children and Youth (1986)
American Academy of Pediatrics
141 Northwest Point Blvd.
P.O. Box 927
Elk Grove Village, Illinois 60009-0927
- 3) Guidelines for Perinatal Care (1988)
American Academy of Pediatrics
141 Northwest Point Blvd.
P.O. Box 927
Elk Grove Village, Illinois 60009-0927

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American College of Obstetrics and Gynecologists
409 12th Street S.W.
Washington, D.C. 20024-2188

March of Dimes
1275 Mamaroneck Avenue
White Plains, NY 20024-2188

- 4) Towards Improving the Outcome of Pregnancy (1977)
The National Foundation - March of Dimes
Committee on Perinatal Health
1275 Mamaroneck Avenue
White Plains, NY 20024-2188

- 5) Standards of Child Health Care (1977)
Council on Pediatric Practice
American Academy of Pediatrics
141 Northwest Point Blvd.
P.O. Box 927
Elk Grove Village, Illinois 60009-0927

- 6) Standards for Obstetric - Gynecologic Services
American College of Obstetricians and Gynecologists 6th
edition
1985
409 12th Street S.W.
Washington, D.C. 20024-2188

- 7) School Health: A Guide for Health Professionals (1987)
American Academy of Pediatrics
141 Northwest Point Blvd.
P.O. Box 927
Elk Grove Village, Illinois 60009-0927

- 8) Standard of Maternal and Child Health Nursing Practice (1983)
American Nursing Association
2420 Pershing Road
Kansas City, MO 64108

- 9) A Statement on the Scope of Maternal and Child Health
Nursing Practice (1980)
American Nursing Association
2420 Pershing Road
Kansas City, MO 64108

- 10) Standard of Practice for the Perinatal Nurse Specialist
(1984)
American Nursing Association

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2420 Pershing Road
Kansas City, MO 64108

- 11) Standard of Community Health Nursing Practice (1986)
American Nursing Association
2420 Pershing Road
Kansas City, MO 64108

- 12) Definition and Role of Public Health Nursing in the Delivery
of Health Care (1980)
American Public Health Association
1015 Fifteenth Street N.W.
Washington, D.C. 20005

b) Federal Guidelines, Statutes and Regulations

- 1) Rehabilitation Act of 1973 (See Section 630.200(e)(9))
- 2) Title IX of the Education Amendments of 1972 (See Section 630.200(e)(9))
- 3) Age Discrimination Act of 1975 (See Section 630.200(e)(9))
- 4) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) (See Section 630.200(e)(9))
- 5) Title V of the Social Security Act of 1935 (42 U.S.C. 701 et seq.) (See Section 630.10(a), 630.20(a)(4), 630.100(a)(1))
- 6) Section 1861(v) of the Social Security Act (42 U.S.C. 1395v) (See Section 630.190)
- 7) Section 1122 of the Social Security Act (42 U.S.C. 1320a) (See Section 630.190)
- 8) Maternal and Child Health (MCH) Services Block Grant Act of 1981 (P.L. 97-35; Sec. 2191 et seq.) (See Section 630.10(a))
- 9) Section 624 of the Economic Opportunity Act of 1964 (See Section 630.20(b)(1)(A))
- 10) Single Audit Act of 1984 (31 U.S.C. 7501 et seq.) (See Section 630.20(f))
- 11) 42 CFR 50.201 (1990)
(See Section 630.180(b))

c) State of Illinois Statutes

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- 1) AN ACT relating to the prevention of developmental disabilities (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 2102 et seq.) (See Section 630.10(b))
- 2) AN ACT concerning the disease of phenylketonuria and other metabolic diseases, designating certain powers and duties in relation thereto, providing penalties for violation thereof, to repeal an Act therein named and to make an appropriation in connection therewith (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4903 et seq.) (See Section 630.10(b))
- 3) AN ACT to revise the law in relation to coroners (Ill. Rev. Stat. 1989, ch. 31, par. 10.2a et seq.) (See Section 630.10(b))
- 4) Lead Poisoning Prevention Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1301 et seq.) (See Section 630.10(b))
- 5) Infant Mortality Reduction Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7001, et seq.) (See Section 630.10(b))
- 6) The Problem Pregnancy Health Services and Care Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4601-100 et seq.) (See Section 630.10(b))
- 7) Prenatal and Newborn Care Act (P.A. 86-861, effective January 1, 1990) (See Section 630.10(b))
- 8) Ill. Rev. Stat. 1989, ch. 144, par. 67.1 (See Section 630.20(a)(1))
- 9) Ill. Rev. Stat. 1989, ch. 144, par. 22 (See Section 630.20(a)(1))
- 10) AN ACT in relation to the establishment and maintenance of county and multiple-county public health departments (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 20c.01) (See Section 630.20(f))
- 11) AN ACT in relation to State finance (Ill. Rev. Stat. 1989, ch. 127, par. 156) (See Section 630.70 definition of "Equipment.")
- 12) Article III of the Code of Civil Procedure (Ill. Rev. Stat. 1989, ch. 110, par. 3-101 et seq.) (See Section 630.210).
- 13) AN ACT concerning environmental barriers in public facilities and multi-story housing units and to amend and

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- repeal certain Acts therein named (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 3711 et seq.) (See Section 630.220(b)(2)(A)).
- d) State of Illinois Regulations
 - 1) Family Planning Services Code (77 Ill. Adm. Code 635) (See Section 630.30)
 - 2) Newborn Metabolic Screening and Treatment Code (77 Ill. Adm. Code 661) (See Section 630.40(a)(3))
 - 3) Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640) (See Section 630.80 definition of "High-Risk")
 - 4) 89 Ill. Adm. Code Part 1200 (See Section 630.20(a)(1))
 - 5) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) (See Section 630.200(h)(5))
 - e) All incorporations by reference of federal rules and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

SUBPART D: ADMINISTRATIVE REQUIREMENTS

Section 630.70 Definitions

"Administration" means those activities performed by staff and costs which are supportive of and required for the project for which there is no direct client contact such as administrative staff, clerical support, rent, utilities, postage, telephone, office supplies, fiscal staff and office equipment.

"Case Management" means a mechanism to coordinate and assure continuity of services (health, social, educational) necessary for clients. Case management involves individualized assessment of needs, planning of services, referral, monitoring and advocacy to assist a client in gaining access to appropriate services and closure when services are no longer required. Case management is an active and collaborative process involving a single qualified case manager, the client, the client's family, the providers and the community. This includes close coordination and involvement with all service providers in the management plan for that client and/or family including assuring that the client

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receives the services.

"Counseling" means the provision of advice, guidance or instruction on the part of a knowledgeable person with the goal of meeting specific needs of individuals or groups.

"Equipment" means any non expendable item with a unit cost equivalent to or greater than the State of Illinois' definition for equipment, (AN ACT in relation to State finance Ill. Rev. Stat. 1989, ch. 127, par. 156).

"Follow-up" means the process by which further services are rendered and/or the process by which an assessment is made concerning the outcome of an intervention plan of care or referral for further services.

"High Risk" means as defined in Section 640.20 of the Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640.20).

"Home health services" means services such as the provision of medical, nursing, other therapeutic and rehabilitative services in the home; homemaker services including assistance for the family in routine household responsibilities when illness or disability interferes with such functions.

"Medical services" means those activities dealing directly with the health care of the client such as physician services, nurse practitioner services, diagnostic tests, prescription drugs, medical supplies, clinic nurses, clinic interpreters and medical equipment.

"Nutrition services" means services such as screening/assessment of nutritional status; dietary counseling to assist people to meet their normal and therapeutic nutrition needs; nutrition education and evaluation; and provision of, or referral to, resources needed to improve or maintain nutritional health, i.e., supplemental food assistance, special feeding equipment, and food service programs.

"Outreach" means any activity to find and inform potential program participants of available services. Outreach, therefore, can include community campaigns as diverse as door to door canvassing, production and distribution of handbills, design and publication of newspaper announcements, and production and broadcast of public service announcements or paid advertising on radio or television. The primary objective of outreach activities is to inform potential program participants of available services, eligibility criteria and method of accessing services (for example, the name,

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address and phone number of the provider). This is not to preclude the use of non-traditional methods of outreach that may be necessary to identify potential participants in hard-to-reach populations, such as persons who abuse substances or engage in prostitution.

"Postpartum" means the period from the birth of the infant or termination of pregnancy and the succeeding 42 days.

"Prenatal" means the period of time existing from conception of the fetus until the birth of infant or termination of the pregnancy.

"Referral" means the process by which an individual is directed to a resource for further service, information, or assistance.

"Services for both acute and chronic health problems" means services such as clinic and physician office services, emergency services, laboratory and X-ray services, provision of prescribed drugs and vaccines, and medical supplies.

"Services for both acute and chronic mental health conditions" means services such as clinic and physician office services, counseling and anticipatory guidance, crisis intervention services, laboratory services, and provision of prescribed drugs.

"Support Services" means those activities which are supportive of patient care and in which patient contact occurs such as, public health nursing, health education, educational supplies, patient travel, social services, nutrition services and related staff travel.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 630.220 Outreach and Case Management

a) Definitions. Outreach and case management are defined in Section 630.70.

b) Agency Requirements

- 1) The organization must agree to facilitate determination of participants' Medicaid eligibility status and provide such information to the Department.
- 2) Physical facilities to be used for serving participants must be comfortable, safe, and clean, and must meet legal

requirements for fire safety, building construction, sanitation and health. The grantee must be able to furnish proof upon request that all such legal requirements have been met. In addition, the following requirements must be met:

- A) Use facility(s) meeting accessibility standards as contained in the Environmental Barriers Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 3711 et seq.)
- B) Provide equipment and furnishings for the participant and staff activities, including at a minimum, desks, chairs, work tables, file cabinets and storage cabinets, as necessary.
- C) Provide all locations where services are delivered, including offices, with functioning lighting.
- D) Designate a space for case management which shall be conducive to privacy.
- E) Develop and maintain an external and internal emergency disaster plan, including a fire evacuation plan.

3) The organization must be capable of delivering services to the target population, demonstrate an understanding of the concept and delivery of case management services and demonstrate (by written agreements) linkages to relevant service and health care organizations serving the target area.

4) The organization must conduct outreach activities to the target population and medical providers in the geographic area to be served.

5) Direct service staff for the program must meet the standards defined for case managers (refer to subsection (c)(1)) and proof of licensure must be available upon request.

6) The organization must be able to deliver case management services appropriate to the individual recipient's level of need. This includes:

- A) the ability to respond promptly to medical provider referrals for case management;
- B) the ability to conduct health, nutrition, psychosocial

and environmental assessments, with a home visit, and develop a care plan for the appropriate level of care with input and approval of the participant or, in the case of infants and young children, of the parent or legal guardian;

- C) the ability to schedule services to accommodate the participant's situation;
- D) the ability to provide or arrange for bilingual and sign language services if indicated;
- E) the ability to coordinate agency and other community services for the participant;
- F) the ability to establish referral systems to other community agencies;
- G) the ability to ensure ongoing communication with the recipient's prenatal or pediatric care provider;
- H) the capacity to remind participants of appointments for services and follow-up to ascertain service delivery; and
- I) the ability to establish protocols for all aspects of case management activities, including assessment, service planning, referral, follow-up, advocacy and case closure.

7) The organization must be able to provide services in medical, home and other settings.

8) The organization must have a system for resolving participant grievances.

9) The organization must maintain an adequate and confidential participant records system. Documentation of all services provided are to be maintained in this system.

c) Provider Qualifications and Role

1) Qualifications. The case manager must meet the following qualifications:

- A) a registered professional nurse licensed pursuant to Section 12 of the Illinois Nursing Act of 1989 (Ill. Rev. Stat. 1989, ch. 111, par. 3512) and have either:

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a B.S.N. from a recognized or accredited program with one year of experience in community health or maternal and child health nursing or a license as a registered professional nurse and two years experience in community health or maternal and child health nursing; or

- B) a clinical social worker licensed pursuant to Section 9 or social worker licensed pursuant to Section 9A of the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 6351 et seq.); (68 Ill. Adm. Code 1470) with one year of experience in providing services to families with young children; or
- C) possess a baccalaureate degree in a behavioral science, social science or health-related area; or a baccalaureate degree in any other area and one year of experience in child, family or community services; or an associate degree and two years experience in child, family or community services. Case managers meeting only this qualification must be supervised by a case manager meeting requirements (A) or (B) above.

- D) Exception process. The Department may, after reviewing the education and experience of individual case managers or supervisors, waive the requirements listed above. Grantees seeking an exception to these requirements should submit a written explanation and a detailed resume for each person for whom an exception is sought. The explanation(s) and resume(s) will be reviewed by staff from the Division of Family Health, who will make a recommendation to the Chief, Division of Family Health. The Chief, Division of Family Health, will communicate the final decision regarding each exception to the grantee within 15 working days of the receipt of the request.

- 2) Role of the Case Manager. One goal of the case management process is to help participants or their care givers learn to accept responsibility for their own lifestyle and promote their own health. Another major goal of case management is to enhance the participants' or their care givers' strengths and resources by teaching them skills for seeking out and using individuals and agencies in the community who are available to meet a wide variety of human needs. At first, the case manager will likely be responsible for most of these activities. As time passes, the participant or their

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care giver(s) will ideally participate more actively, while the case manager adopts a more supportive role.

The case management process includes the following activities:

- A) assessment of needed health and social services;
- B) development of an Individual Care Plan in conjunction with the participant or, in the case of infants and young children, with the parent or legal guardian;
- C) referral of participants to appropriate providers within the community for services identified in the Individual Care Plan;
- D) on-going follow-up with participants or service providers to ensure participants have accessed services. Follow-up should be continuous from initial identification through case closure;
- E) periodic reassessment of participant's needs, as described in these rules;
- F) advocacy to assist participants in accessing services;
- G) procedures for terminating the professional relationship between the participant and the case manager when the participant no longer requires case management;
- H) case management activities should be provided during a face-to-face contact with the program participant whenever possible; and
- I) case managers may also perform outreach activities on a limited basis.

- 3) Setting. The case manager may be in the same office or clinic as the participant's primary medical care provider or may be located elsewhere. The case manager is required to provide case management services in the client's home as specified in these rules.

- 4) Use of Lay Community Workers. Paraprofessionals and lay workers may be used to perform some case management functions under the supervision of the case manager. These functions may include follow-up with participants or

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providers to ensure that participants are accessing needed services and providing support and assistance that participants may require to access services. The functions of assessment, service planning, referral, and reassessment of participant's needs are limited to the case manager. Paraprofessionals and lay workers may also be used to conduct outreach activities.

- d) Individual Care Plan. The case manager shall utilize the recommendations from the physician and from the initial social and nutritional assessments to develop with the participant an individual care plan. The development of the individualized care plan includes a determination of the most appropriate agency to provide case management services, if other agencies capable of providing such services to the participant are present in the community (refer to subsection (j)). Development of the individualized care plan may include discussions with other providers identified in the plan (provided that the participant has consented in writing to such discussions); and telephone calls to, face-to-face meetings with, or home visits to the participant. The care plan will be signed by the participant and the case manager, and a copy of the care plan will be given to the participant and their physician. Updated copies of the care plan will be given to the participant and the case manager, and copies will be given to the participant and their physician as the plan is revised. Further distribution of the original or revised individual care plan may only be made with written consent. "Participant" means the participant's parent(s) or legal guardian(s) if the participant is unable to give consent for case management, medical or other services.

- 1) For pregnant women, the individual care plan must include, but is not limited to, the following:

- A) determination of eligibility status for all payment mechanisms for medical services;
- B) referral, if necessary, for physician services, ensuring the participant's free choice of providers;
- C) an inventory of all of the service providers involved with the participant;
- D) a coordinated timetable for the delivery of the recommended services and referrals, including a list of the agencies to which the participant will be referred;

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- E) a problem list and plans for problem resolution and measurable objectives to evaluate the participant's progress;
 - F) identification of the participant's support system (family members or significant others);
 - G) identification of planned hospital of delivery;
 - H) identification of needed transportation services;
 - I) identification of needed child care services;
 - J) the names and telephone numbers of the case manager, physician, and all other assigned health care professionals;
 - K) verification of the participant's knowledge of emergency procedures; and
 - L) identification of needed job training and employment services, including return to school, vocational or general education or the General Equivalency Diploma.
- 2) For infants, the individual care plan must include, but is not limited to:
- A) determination of eligibility status for all payment mechanisms for medical services;
 - B) referral, if necessary, for physician services including well child and sick child care, ensuring the participant's free choice of providers;
 - C) an inventory of all of the service providers involved with the participant;
 - D) a coordinated timetable for the delivery of the recommended services and referrals, including a list of the agencies to which the participant will be referred;
 - E) a problem list and plans for problem resolution, and measurable objectives to evaluate the participant's progress;
 - F) identification of additional services needed, such as WIC, early intervention or the Division of Services

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for Crippled Children;

- G) identification of needed transportation services;
- H) identification of needed child care services;
- I) identification of parent(s)' need for job training and employment services, including return to school, vocational or general education or the General Equivalency Diploma;
- J) the names and telephone numbers of the case manager, physician, and all other assigned health care professionals; and
- K) verification of the parent(s)'s knowledge of emergency procedures.

e) Clinical record. The participant's clinical record shall contain, but is not limited to:

- 1) identifying information including name, case number, address and telephone number, sex, race, hispanic origin, date of birth, marital status, next of kin, date of initial contact and initiation of case management services, source of referral and whom to contact in the event of an emergency, and how to contact that person;
- 2) documentation of informed consent for case management services;
- 3) releases permitting authorized representatives of the Department to review the clinical record for purposes of audit, certification or funding;
- 4) documentation of the participant's eligibility status for all payment mechanisms for medical care;
- 5) assessment and reassessment reports;
- 6) a current individual care plan, progress reviews and notes;
- 7) documentation of missed appointments and attempts to follow up on missed appointments;
- 8) documentation of each service rendered which describes:
 - A) whether the contact was initiated by the participant,

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the case manager or the service provider;

- B) the type of service, as specified in the individual treatment plan;
- C) a description of the services rendered;
- D) the relatedness of the service to the individual treatment plan goals;
- E) the modifications, if any, in services; and
- F) the outcome(s) of services.

9) Documentation of participant's authorization of the case manager to release information to providers of necessary services.

f) Prenatal and Postpartum Case Management

1) Initial Prenatal Case Management

A) Content. Initial Prenatal Case Management is the first prenatal case management service. At the first visit, assessments will be done to determine the participant's needs. Psychosocial risk assessment should include emotional support, stress, lifestyle risk, (including use of alcohol and illicit or non-prescription drugs, smoking, diet, and activity) and parenting skills (refer to Section 630.30(b)(3)(E)). Basic nutritional assessment information should be obtained from the local Special Supplemental Food Program for Women, Infants and Children program staff and used in the development of the care plan. Related administrative tasks, such as referral for specialized nutritional or psychosocial counseling, childbirth education, substance abuse treatment, child care, transportation or other needs are an integral part of the initial case management encounter. Initial Prenatal Case Management must be an individual, face-to-face visit with the participant by the case manager. The case manager will analyze all assessment results and jointly with the participant develop and individualized care plan, consistent with subsection (d)(1).

B) Assignment of participants. Each participant will be assigned to one case manager.

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C) Frequency. Only one initial case management service may be provided for each of the participant's pregnancies.

D) Referral. The case manager shall schedule, as necessary, the services identified in the individual care plan and shall make any necessary referrals identified in the individual care plan, including but not limited to:

- i) the local office of the Illinois Department of Public Aid for needed transportation, casework, or needed social services including food, clothing, shelter, or other material assistance;
- ii) Special Supplemental Food Program for Women, Infants and Children (WIC); and
- iii) other social service agencies as needed.

2) Continuous Prenatal Case Management

A) Content. Continuous prenatal case management must include a face-to-face visit and must provide, as necessary, any components described in the initial case management service and a review of the implementation of the individualized care plan to date. The case manager shall utilize recommendations from the physician and related care providers to update the individual care plan. A copy of the revised care plan shall be signed by the participant and case manager and given to the participant and her physician.

B) Follow-up of appointments. The case manager must make telephone contact or send a written reminder to the participant prior to appointments with service providers. The case manager must telephone a participant within two working days after a missed appointment. If telephone contact is unable to be established or the participant misses the rescheduled appointment, a home visit must be attempted.

C) Frequency. Continuous Prenatal Case Management is the monthly service provided to pregnant women by the case manager following the Initial Prenatal Case Management visit.

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3) Enhanced Prenatal Case Management

A) Content. Enhanced Prenatal Case Management must include a face-to-face visit and includes all the service components of Continuous Prenatal Case Management, including a review of the implementation of the individualized care plan to date, emphasizing compliance with recommendations regarding the high risk condition(s); the case manager must also contact the participant a minimum of four days in each week to identify signs of preterm labor.

B) Frequency. Enhanced case management may be provided once every seven days from no sooner than the twenty-fourth week of the participant's pregnancy until delivery, unless a specific medically high risk condition is identified at an earlier prenatal visit which would require earlier and closer follow-up by the case manager as defined by the physician or certified nurse midwife.

C) Eligibility. Enhanced Prenatal Case Management is a weekly service which may be provided by the case manager when the participant is diagnosed to be at high risk for medical complications.

4) Home Visits. Case management services must be delivered in the participant's home at least once prenatally.

5) Case Closure:

A) Criteria for closure. Unless program requirements allow participants to continue receiving case management services, prenatal case management will terminate two months post delivery or pregnancy loss, or when:

- i) the participant requests closure;
- ii) the medical provider requests closure with the participant's agreement;
- iii) the participant moves (refer, with written participant consent, to the health department in the new county of residence for continued services, or to the Department for referral to the state health department in the new state of residence);

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- iv) the participant dies; and
- v) the case manager is no longer able to reach the participant for monthly contact. The decision regarding number of required attempts to contact is to be made at the local level. The agency policy on the number of attempts to contact before case closure must be reviewed and approved by the Department before implementation.
- B) Content. At the time of closure, the case manager should ensure that the following activities have been completed, as appropriate for the participant's circumstances:
- i) the participant has located a medical care provider for continued care for herself and her infant;
- ii) the participant is referred for family planning services;
- iii) the participant is referred for postpartum WIC or Commodity Supplemental Food Program (CSFP) certification;
- iv) the participant's infant is referred for WIC or CSFP certification;
- v) infant has begun or been referred for immunizations (if these are not contraindicated or declined by the parent);
- vi) participant has completed application for Medicaid for her infant; and
- vii) the participant has been given information regarding child restraint seats.
- C) Follow-up. Within one month after the closure interview, the case manager shall contact the participant or the providers to which the participant was referred to ensure that the participant is continuing to receive necessary health and social services.

g) Infant Case Management

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- 1) Initial Infant Case Management
- A) Content. During the initial face-to-face encounter with the infant's parent or care giver comprehensive assessments are conducted to identify the infant's or the family's needs. The health history and physical assessment, developmental screening, diagnosis, treatment and medical referrals will have been conducted by the physician or nurse practitioner and the results reported to the case manager. The case manager will analyze all assessment results and with the parent or care giver develop an individualized care plan (refer to subsection (d)(2). Additional assessments to be conducted by the case manager include:
- i) a nutritional assessment of the infant (and the mother if she is breastfeeding) (refer to Section 630.40(b)(1)(E));
- ii) a psychosocial assessment including composition of family, evidence of bonding with infant, parenting skills and education of parents. Parental problems may need to be assessed also if they impact on the infant;
- iii) support systems available to parents or care givers;
- iv) social and health services currently used by family including source of primary care and emergency care;
- v) environmental assessment, including at least the condition of housing, availability of utilities (water, heat, light, cooking, refrigeration, sanitation, etc.) and risks of unintentional injury; and
- vi) developmental assessment of the infant.
- B) Assignment of participants. Each participant will be assigned to one case manager.
- C) Frequency. Initial Infant Case Management may only be provided once during infancy.
- D) Referral. The case manager shall schedule, as

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necessary, the services identified in the individual care plan and shall make any necessary referrals identified in the individual care plan, including but not limited to:

- i) the local office of the Illinois Department of Public Aid for needed transportation, casework, or needed social services including food, clothing, shelter, or other material assistance;
- ii) special Supplemental Food Program for Women, Infants and Children (WIC);
- iii) family planning services for the parents; and
- iv) other social service agencies as needed.

2) Continuous Infant Case Management

A) Content. Following the initial case management encounter, the individual care plan will be reviewed by the case manager with the parent or care giver. This review must take place during a face-to-face meeting. The plan will be reviewed to determine whether problems are being resolved and whether new ones have arisen with modifications of the care plan made as indicated.

B) Frequency. For low-risk infants, case management encounters are to be provided within no more than 2 weeks following newborn discharge, at 3 months of age, 5 months of age, 9 months of age and 12 months of age.

3) Enhanced Infant Case Management

A) Content. Enhanced Infant Case Management must include a face-to-face encounter with the case manager and includes all the service components of Continuous Infant Case Management.

B) Frequency. Enhanced Infant Case Management is a monthly service.

C) Eligibility. Enhanced Infant Case Management may be provided by the case manager when the infant has been identified through the Adverse Pregnancy Outcome Reporting System (APORS) (refer to 111. Rev. Stat.

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1989, ch. 111 1/2, par. 6701 et seq. and 77 Ill. Adm. Code 840.210), when the infant be has been diagnosed with a serious medical condition after newborn discharge, when maternal alcohol or drug addiction has been diagnosed or when child abuse or neglect has been indicated based on investigation by the Illinois Department of Children and Family Services.

Similarly, APORS infants whose conditions are minor and whose environments are stable may be transferred into the low risk follow-up regime.

4) Home Visits. Case management services must be delivered in the participant's home at least twice during infancy.

5) Case Closure.

A) Criteria for closure. Case management may be terminated during the first year of life, at age one, or participants may continue in case management beyond age one, depending upon specific program requirements. If case closure occurs during the first year of life or at age one, the following criteria should be met, as appropriate to the participant's circumstances:

- i) the parent(s) or guardian(s) requests closure;
- ii) the medical provider requests closure with the participant's agreement;
- iii) the participant moves (refer, with written participant consent, to the health department in the new county of residence for continued services, or to the Department for referral to the state health department in the new state of residence);
- iv) the participant dies;
- v) the case manager is no longer able to reach the participant for monthly contact. The decision regarding number of required attempts to contact is to be made at the local level. The agency policy regarding the number of required attempts to contact must be reviewed and approved by the Department before implementation;
- vi) the infant is enrolled in another agency or

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program, such as Early Intervention programs for infants and toddlers or the University of Illinois Division of Services for Crippled Children, which provides case management services; and

- vii) the infant is healthy, meets developmental milestones, and has an adequate family support system.

- B) Content. At the time of closure, the case manager should ensure that the following activities have been completed, as appropriate for the participant's circumstances:

- i) a source of continued acute and preventive health care is identified;
- ii) referrals for follow-up services are made if the infant does not meet developmental milestones;
- iii) immunizations are up-to-date, or reasons for delay are documented; and
- iv) family has completed application for Medicaid for the infant.

- C) Follow-up. Within one month after the closure interview, the case manager shall contact the participant's parent(s) or legal guardian(s) or the providers to which the participant was referred, to ensure that the participant is continuing to receive necessary health and social services.

- h) Case Management Coordination. Department grantees providing case management services must engage in activities (as described below) to coordinate with other agencies in the grantee's service area that provide case management services to the same types of persons as the grantee has agreed to serve. These activities are intended to avoid duplication of case management services at the local level and ensure that each participant has only one case manager at any given time.

- 1) Case Management Coordination Agreements. Grantees of the Department's Division of Family Health must enter into written agreements with other agencies with the same geographic service area (in whole or in part) regarding coordination of case management services. These agreements

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must at least specify each grantee's target group for services; referral procedures; procedures to obtain informed consent for services and protection of participant's privacy; and procedures to determine the agency most appropriate to provide case management services.

- 2) Determination of the Agency or Program most appropriate for the delivery of case management services.

- A) Following the assessments of a participant's service needs by the physician, certified nurse midwife, nurse practitioner, case manager or other professional, these individuals, other involved service providers, and the participant (and the participant's parent(s) or legal guardian(s), depending upon the participant's ability to consent for services) must determine the one agency or program most appropriate to provide case management services if any of the criteria listed below are met. Only those providers for which the participant has given written consent may participate in the determination of the most appropriate agency or program to provide case management. The criteria requiring such a determination are:

- i) the participant's most important problem requires expertise for case management which the grantee's staff does not possess;
- ii) the participant's most important problem requires expertise for case management which another agency's staff does possess;
- iii) the participant's problems are so complex as to require the close collaboration of several agencies for successful case management; and
- vi) the participant prefers to obtain case management services from another agency.

- B) If during the course of delivering case management services the participant's needs for services change substantially or new problems emerge which meet the criteria enumerated above (subsection (j)(2)(A)), the designation of the most appropriate agency to provide case management must be reviewed and changed if appropriate. The decision to change the designation must include the participant; the participant's parent(s) or legal guardian(s), depending upon the

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participant's ability to consent for services; the case manager; and relevant service providers.

- C) If the Department funded program or grantee is not selected as the most appropriate case management provider, the program or grantee will close the participant's case with regard to case management services. The case may be reopened in response to changing circumstances, as provided above in subsection (j)(2)(B).

- i) Criteria for Certifying Agencies to Conduct Outreach and Case Management Activities.

- 1) Grantees of the Illinois Department of Public Health conducting outreach and case management activities must apply for certification as a case management agency. Certified agencies will enter into a written agreement with the Department to conduct these activities.

- 2) Application Process for Certification as a Case Management Agency.

- A) The grantee must apply for certification. The application must provide assurance that the applicant is in compliance with the requirements set forth in subsection (b)(1) and (2) and describe in detail how it will meet the program requirements set forth in subsection (b)(3) through (9) and describe in detail how it will provide services in accordance with the requirements set forth in subsection (c) through (j). Further, the organization must agree on a continuous basis to comply with all current and future program policy provisions and to comply with all applicable Federal and State laws and regulations.

- B) Approval of proposed outreach activities. Grantees must clearly identify the costs associated with outreach activities for specific programs or target populations to identify potentially eligible individuals for case management. These costs must be supported by documentation, such as logs or time studies, which clearly identify administrative costs. This plan must have been approved by the Department prior to implementation, and the Department must give prior approval to modifications of the outreach plan. Modifications must also be accompanied by supporting documentation clearly identifying administrative costs.

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- C) Applications should be submitted to the Illinois Department of Public Health, Attention: Chief, Division of Family Health.

- D) The Department will notify successful applicants in writing. The Department may provide technical assistance to applicants.

3) Certification

- A) Provisional certification will be awarded for 180 days to successful applicants. During this period, the Department will conduct a management and fiscal audit to ensure compliance with these rules.

- B) Full certification will be awarded for two years to agencies who successfully complete the audit conducted during provisional certification. During this period, the Department will conduct a management and fiscal audit to ensure compliance with these rules. Successful agencies (based on audit findings) will be recertified for a two-year period. Unsuccessful agencies (based on audit findings) will be given provisional certification. The Department may, based on audit, change or revoke an agency's certification at any time.

j) Allowable Cost for Outreach and Case Management Activities.

- 1) Allowable Costs for Outreach. Costs incurred for outreach activities as defined in Section 630.70 are allowed. However, neither health nor more general education, nor other social service activities may be included as outreach.

- 2) Allowable Costs for Case Management. Salary and other expenses for staff conducting outreach and case management activities must be supported by documentation, as described in subsection (m). Expenses incurred for the provision of any other direct service (including patient teaching) by staff conducting outreach and case management activities must be excluded. If program staff provide other direct services in addition to outreach and case management, the grantee's time and activity reporting system must distinguish between allowable and excluded costs.

- 3) The agency must make its clinical and time reporting records available for inspection of authorized representatives of the Department, the Illinois Department of Public Aid and

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the Health Care Financing Administration. The clinical record must contain releases to this effect as necessary.

- k) Time and activity data to be collected. The following time, activity and participant information must be recorded by each outreach worker and case manager on their daily activities and the participants they serve. Specific data entry codes for each item will be specified by the Department. Each report must be signed by the outreach worker or case manager making the report, and signed by the outreach worker's or case manager's supervisor.

- l) Identification of the agency conducting the outreach or case management activity.
- 2) Identification of the staff person conducting the outreach or case management activity.

- 3) The date on which the activity was conducted.

- 4) The Medicaid Case Identification Number and the Medicaid Recipient Identification Number. These numbers are assigned by the Illinois Department of Public Aid and are found on the participant's Medicaid Eligibility Card. These numbers must be recorded if the participant's medical care is being paid for through the Medicaid program.

- 5) Activity. This item describes the outreach worker's or case manager's activity with the participant. At a minimum, categories must identify case management; outreach; administration of outreach and case management; accrued benefit time; and other direct services, as follows:

- A) intake interview, assessment or reassessment of participant's needs;
- B) development or revision of Individual Care Plan;
- C) referral or advocacy for services;
- D) follow-up with participant;
- E) follow-up with provider;
- F) case closure;
- G) travel;
- H) participant staffing and supervision. This includes

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discussion of a participant's progress with the case management team, a colleague or supervisor to improve the worker's skills in conducting outreach or case management activities;

- I) case notes/client tracking (documenting outreach and case management activities) and reporting (completing reporting forms required by IDPH);

- J) outreach/case finding;

- K) administration of outreach and case management activities. This includes administrative activities not attributable to a specific client such as the development of monthly or annual program plans or budgets; planning project activities; developing linkage agreements or referral arrangements with community service providers; supervision of staff; preparation of routine correspondence; preparation of travel vouchers, telephone logs and similar activity records (except case notes and client tracking);

- L) staff training and evaluation. Time spent in continuing education, in-service or other training programs, and time spent in performance evaluation;

- M) accrued benefit time (sick leave, vacation, compensatory time, etc.);

- N) health education. Time spent directly providing health education to the participant;

- O) counseling. Time spent directly providing counseling to the participant; and

- P) other direct services to participants not involving outreach or case management.

- 6) Time Spent. The amount of time spent on each activity.

- 7) Case Number. The participant's case number assigned by the grantee.

- 8) Participant's name.

- 9) Medicaid Status. The participant's eligibility status for the Medicaid program. At a minimum, the participant must be classified as:

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- A) ineligible. This includes participants who are ineligible for the Medicaid program; or
- B) active. The participant's Medical Assistance Card is active at the time case management activities are conducted; or
- C) the participant is in the process of applying for the Medicaid program. This includes discussing the participant's potential eligibility for Medicaid, as well as assistance provided while the participant's Medicaid application is pending; or
- D) "Healthy Start" (Medicaid Presumptive Eligibility) - The participant has been presumed eligible for the Medicaid Program by an agency qualified to make that determination; or
- E) Spend-down. The participant has been placed on spend-down status by the Illinois Department of Public Aid.
- 10) Drug Free Families with a Future. The participant's eligibility for Drug Free Families with a Future services.
- 11) Case Type. The participant's eligibility for case management. At a minimum, participants may be classified as: pregnant woman without any children; pregnant woman with one or more children over age one; pregnant woman with one or more children under age one; nonpregnant woman with one or more children under age one; child under age one; other.
- 12) Site of Contact. Where the contact between the case manager and the participant or provider occurred. At a minimum, this must be classified as: the participant's home; the case manager's office; or off site, including transporting participants.
- 13) Method of Contact. How contact between the case manager and the participant or provider occurred. At a minimum, this must be classified as: individual, face-to-face contact; group contact; telephone contact; failed home visit.
- 14) Service. Describes the predominant service provided to, discussed with, or arranged for a participant during a specific activity. At a minimum, the following services must be recorded as appropriate:

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- A) Family Planning services. Referred to or discussed the need for family planning services. These services must be provided consistent with 77 Ill. Adm. Code 635: Family Planning Services Code.
- B) Pregnancy testing and counseling. Referred to or discussed the need for pregnancy testing and counseling. Pregnancy testing and counseling consist of providing a laboratory test, history and physical exam to confirm a pregnancy as well as counseling about all options regarding pregnancy continuation.
- C) Prenatal care. Referred to or discussed the need for prenatal care. Includes early referral to a comprehensive prenatal care provider for medical, social and educational services with a defined link for delivery services, as well as referral for high risk perinatal medical care. Refer to 77 Ill. Adm. Code 630.30.
- D) 0-3 early intervention. Referred to or discussed the need for early intervention services. Includes services which are designed to identify and treat developmentally disabled children from birth to three years of age.
- E) Substance abuse program. Referred to or discussed the need for substance abuse treatment.
- F) Individual and family counseling or psychosocial counseling. Referred to or discussed the need for treatment by a qualified mental health professional to enhance or maintain the well-being of the individual and the development of social support systems within the family.
- G) Well Child/EPSDT/Healthy Kids. Referred to or discussed the need for routine or acute pediatric care. Includes preventive medical and dental services provided to children following the American Academy of Pediatrics guidelines. Refer to 77 Ill. Adm. Code 630.40.
- H) Public Health Nursing services. Referred to or discussed the need for public health nursing services. Includes prenatal and pediatric home visits and follow-up for infants identified as being at risk

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or high risk as for the Adverse Pregnancy Outcome Reporting System.

- I) Medically necessary transportation. Providing or arranging transportation to medically necessary services (including physician visits).
- J) Transportation. Includes providing or arranging transportation to non-medical services determined to be in keeping with the client's care plan.
- K) WIC/MAC/CSFP. Referred to or discussed need for WIC (Special Supplemental Food Program for Women, Infants and Children), MAC (Mother and child nutrition program) or CSFP (the Commodity Supplemental Food program).
- L) Housing. Referred to or discussed the need for emergency, transitional or permanent housing.
- M) Job training or employment. Referred to or discussed the need for education or training for future employment; includes assistance given a client in seeking employment.
- N) Infant and child day care. Includes referral or discussion of the need for child care services while parents are in school, working or receiving FWP services.
- O) Environmental protection and injury prevention. Includes counseling about common accidents and injuries to infants along with implementation of intervention for risk reduction, as well as advocacy and other activities to ensure that the participant's present environment is conducive to health and safety.
- P) Parenting education. Referred to or discussed the need for education in parenting skills and infant care and development. Parenting skills education should use established curricula such as the Illinois Department of Children and Family Services "Parenting Training Curriculum" or similar products and supplemented with information on infant care and development. Refer to Section 630.30(C)(6).
- Q) Prenatal education. Referred to or discussed the need for education regarding pregnancy and child birth.

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Refer to Section 630.30(b)(3)(L).

- R) Reproductive education. Referred to or discussed the need for education regarding family life or preconceptual risk identification and counseling, general reproductive anatomy, conception, pregnancy and birth. Refer to Section 630.30(a)(1)(f).
- 15) Whether a referral was made, refused or not possible for a needed service.
- 16) The agency to which the participant was referred for a needed service.
- 17) The date on which the referral for a needed service was completed.
- 1) Agency personnel data to be reported. The following financial information must be reported by each agency applying. The provisionally certified or certified under this subsection. The information must be provided on an annual basis and updated by the applicant, provisionally certified or certified agency as changes occur, and the report must be signed and dated by an authorized official of the agency.
- 1) The name and monthly gross salary for each (full and part time) direct service staff person conducting outreach or case management activities, staff supporting outreach and case management activities, and agency administrative staff.
- 2) The agency's fringe benefit rate.
- 3) The number of agency program and support staff who are not involved in conducting outreach and case management.
- m) Agency Operating Expenses to be reported. The following actual operational expenses for the entire agency which is applying, provisionally certified or certified to conduct outreach and case management activities under this subsection must be reported. This data must be submitted on a monthly basis, and the report signed and dated by an authorized official of the agency.
- 1) Rent,
- 2) Maintenance,
- 3) Utilities,

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- 4) Telephone,
 - 5) Photocopying,
 - 6) Office Supplies,
 - 7) Postage,
 - 8) Insurance,
 - 9) Dues, Subscriptions and Registration Fees,
 - 10) Travel,
 - 11) Other operating expenses may be specified and reported,
 - 12) The total of items (A) through (K), and
 - 13) The total number of agency employees.
- (Source: Added at Ill. Reg. _____, effective _____)

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- 1) Heading of Part: Alcoholic Liquor Act
 - 2) Code Citation: 86 Ill. Adm. Code 420
 - 3) Section Numbers: Proposed Action:
420.50 Amendment
420.90 Amendment
 - 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 43, pars. 163a and 164
 - 5) A Complete Description of the Subjects and Issues Involved: Conformance of the rules to provisions of P.A. 83-1428 and P.A. 86-654; i.e. penalty applicable to holder of a non-beverage user's license who disposes of alcoholic liquor in a form fit for beverage purposes, and place for retention of records.
 - 6) Will this proposed rule replace an emergency rule currently in effect:
No
 - 7) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒
 - 8) Does this proposed amendment contain incorporations by reference? No
 - 9) Are there any other amendments pending on this Part: Yes
- | | | |
|------------------------|------------------------|-----------------------------------|
| <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
| 420.10 | Amendment | 6/15/90, 14 Ill. Reg. 9402 |
| 420.140 | Amendment | 6/15/90, 14 Ill. Reg. 9402 |
- 10) Statement of Statewide Policy Objectives: This rulemaking will have no effect on local units of government.
 - 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Mr. R. Dale Yung
Administrator
Illinois Department of Revenue
Legal Services Bureau
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 782-6336

12) Initial Regulatory Flexibility Analysis:

A Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: September 11, 1990

B) Types of small businesses affected: Manufacturers, importing distributors and foreign importers of alcoholic liquor. Manufacturers of non-beverage products containing alcoholic liquors, and laboratories, hospitals and sanatoria using alcoholic liquor for non-beverage purposes.

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

Section	Galloneage Taxes
420.10	Claims to Recover Erroneously Paid Tax
420.20	Shipments of Alcoholic Liquors Out of Illinois
420.30	Non-Beverage Alcoholic Preparations and Compounds
420.40	Non-Beverage Users of Alcoholic Liquors
420.50	Act Does Not Apply
420.60	Tax Provisions of Act Do Not Apply
420.70	Monthly Return
420.80	Books and Records
420.90	Carriers
420.100	Sales to Governmental Bodies
420.110	Warehousing of Liquors
420.120	Non-Beverage User's Books and Records
420.130	Tax-Free Sales of Alcoholic Liquor for Use Aboard Ships Operating in Foreign Commerce Outside the Continental Limits of the United States
420.140	

AUTHORITY: Implementing and authorized by Article VIII of "AN ACT relating to Alcoholic Liquors" (Ill. Rev. Stat. 1989, ch. 43, pars. 158 et seq.).

SOURCE: Filed and effective June 17, 1958; codified at 8 Ill. Reg. 17910, amended at Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

Section 420.50 Non-Beverage Users of Alcoholic Liquors

- a) Alcoholic Liquors Purchased Free of Tax:
- Any person holding a valid uncanceled and unrevoked non-beverage user's license issued by the Illinois Liquor Control Commission, and a proper permit therefor, as provided in Sections (b) and (c) hereof, may purchase alcoholic liquors from licensed manufacturers or importing distributors in a total amount fixed by the class of non-beverage user's license held by him, without the imposition of any tax upon the business of such licensed manufacturer or importing distributor as to alcoholic liquors so sold for use solely for non-beverage purposes.
 - A non-beverage user's license shall expire only when the quantity of alcoholic liquors which may be purchased under it has been exhausted.

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3) Holders of non-beverage user's licenses may purchase alcoholic liquors free of tax for non-beverage purposes only from manufacturers or importing distributors licensed as such under the laws of Illinois. They may not manufacture alcoholic liquors, nor import alcoholic liquors into Illinois from outside Illinois.

b) Procedures to be Followed by Non-Beverage Users Holding Licenses of Class 1 or 2:

1) Every person holding a non-beverage user's license of class 1 or 2, for the purpose of purchasing alcoholic liquors free of tax for non-beverage purposes, will be issued a book of permits. The aggregate gallonage permitted to be purchased on each such book of permits equals the total gallonage that may be purchased under the license of the class held by the non-beverage user.

2) Permits in the proper amount must be surrendered at the time of purchase by the non-beverage user to the manufacturer or importing distributor from whom alcoholic liquors are purchased. Upon receiving the same, the vendor is then entitled to sell alcoholic liquors to such non-beverage user surrendering such permit without becoming liable for payment of the gallonage taxes thereon.

c) Procedures to be Followed by Non-Beverage Users Holding Licenses of Class 3, 4 or 5:

1) Every person holding a non-beverage user's license of class 3, 4 or 5, for the purpose of purchasing alcoholic liquors free of tax for non-beverage purposes, must make application for a "Permit to Purchase Alcoholic Liquors for Non-Beverage Purposes." Such application must be made on forms prescribed and furnished by the Department, and must set forth a record of alcoholic liquors purchased for non-beverage purposes during the six months preceding the date of making application for such permit. Such application must also set forth the number of gallons of alcoholic liquors which are desired to be purchased at the time application for permit is made, as well as the number and class of the non-beverage user's license held by the applicant.

2) Upon approval of such application, the Department will issue to the applicant a "Permit to Purchase Alcoholic Liquors for Non-Beverage Purposes," which permit will entitle the holder to purchase the number of wine gallons of alcoholic liquors stated thereon free from gallonage tax. Such permit must be

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surrendered by the non-beverage user at the time of purchase to the manufacturer or importing distributor from whom alcoholic liquors are purchased, and the vendor is then entitled to sell alcoholic liquors to the non-beverage user surrendering such permit without becoming liable for payment of the gallonage taxes imposed by Article VIII of the Act with respect thereto.

3) When and as the holder of a non-beverage user's license of class 3, 4 or 5 desires to purchase additional alcoholic liquors free of tax, he must apply for and obtain a new permit from the Department, which he will be required to surrender to the vendor in the manner described above. Any number of permits may be issued to a holder of a non-beverage user's license of class 3, 4 or 5, but such permits in the aggregate will permit the purchase of alcoholic liquors free of tax in a total amount not in excess of the number of gallons specified by the particular class of non-beverage user's license under which such purchases are made.

4) Manufacturers and importing distributors will be held liable for gallonage taxes with respect to all alcoholic liquors sold in Illinois to holders of non-beverage user's licenses, with respect to which such purchasers have not obtained and surrendered to such manufacturers and importing distributors the required permits as herein prescribed and set forth.

d) Penalty for Violation of Non-Beverage Use:

No holder of a non-beverage user's license is permitted to sell, give away or otherwise dispose of any alcoholic liquors, purchased under his non-beverage user's license, in any form fit for beverage purposes. Violation of this provision of the law will subject the violator to a penalty of ~~one dollar~~ ~~(\$1.00)~~ \$1.50 for each gallon of alcoholic liquors so diverted, in addition to all other penalties provided by law, including revocation of license.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 420.90 Books and Records

a) Manufacturers, Importing Distributors and Foreign Importers:

It is the duty of each manufacturer, importing distributor and foreign importer to keep, at his licensed address or place of business, complete and accurate records of all sales or other dispositions of alcoholic liquor, and complete and accurate records of all alcoholic liquor produced, manufactured, compounded or imported, whether for himself or for another, together with a

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physical inventory made as of the close of each period for which a return is required, covering all alcoholic liquors on hand. All books and records, which manufacturers, importing distributors and foreign importers are required by the Act to keep, shall be preserved for a period of 3 years, unless the Department, in writing, authorizes their destruction or disposal at an earlier date.

b) Shipping Records:

1) Each manufacturer, importing distributor and foreign importer is required to retain invoices and bills of lading covering purchases and invoices and duplicate copies of bills of lading covering sales of alcoholic liquors.

2) To support deductions on the ground that deliveries of alcoholic liquors were made outside this State, records shall include satisfactory evidence of delivery to and receipt by out-of-State consignees. (See Section 420.30.)

c) Inventories:

1) A physical inventory must be taken and a record thereof preserved as of the close of business on the last business day of each calendar month.

2) As to alcoholic liquors owned by them, manufacturers of alcohol and spirits shall include as "Inventory on Hand", only bottled alcoholic liquors and not bulk alcoholic liquors in stock. As to alcoholic liquors lawfully held by them as agent for another, manufacturers of alcohol and spirits shall include, as "Inventory on Hand", all alcoholic liquors (whether bottled or in bulk) so held by them as agent. Bottled alcoholic liquors owned by a manufacturer of alcohol and spirits and stored in bonded or other warehouses in Illinois, and bottled or bulk alcoholic liquors lawfully held by a manufacturer of alcohol and spirits as agent for another and stored in bonded or other warehouses in Illinois, must be included in inventory.

3) Breweries shall include, as "Inventory on Hand", all beer which is on hand when the inventory is required herein to be taken and which has been removed from the Federally bonded premises of the brewery, together with all beer which is on hand when the inventory is taken and which is required to be reported in Schedules "F" and "G" accompanying the Liquor Revenue Return.

4) Wineries and wine-makers shall include, as "Inventory on Hand", all bottled wine, bulk wine remaining in bottling tanks and all barreled wine whether stored on the licensed premises or else

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where in Illinois and whether stored in or out of bond, and this is true whether such wine is owned by the winery or lawfully held by the winery as agent for another.

5) Importing distributors shall include in "Inventory on Hand", both bulk and bottled alcoholic liquors, including those in bond and other warehouses, and this is true whether such alcoholic liquors are owned by the importing distributor or whether such alcoholic liquors are lawfully held by the importing distributor as agent for another.

d) Invoices of Sale:

1) Each manufacturer and importing distributor must at the time of sale of any alcoholic liquors render to the purchaser an invoice describing the alcoholic liquor sold (i.e., whether such alcoholic liquor is beer, alcohol and spirits, wine containing more than 14% of alcohol by volume or wine containing 14% or less of alcohol by volume, and stating, in the case of wine, that the wine is made from grapes grown in Illinois where that is the fact), the date of sale, to whom sold, and the quantity sold. Duplicate copies of all such invoices must be made and preserved by such manufacturer or importing distributor for audit purposes.

2) Where a manufacturer or importing distributor sells alcoholic liquors to a licensed retailer or distributor, each original and duplicate invoice pertaining to such sale must be printed, stamped, or bear in writing language substantially as follows:

"Payment of Illinois Liquor Tax made by vendor issuing this invoice."

3) This legend must appear on sales invoices covering tax-paid containers of alcoholic liquors even though the licensed manufacturer or importing distributor purchased the containers of alcoholic liquors covered therein tax-paid.

4) Where a manufacturer or importing distributor sells any alcoholic liquors to another licensed manufacturer or importing distributor and does not assume the tax liability, each such invoice covering such sale must be printed, stamped or bear written language substantially as follows:

"Liquors described herein sold without payment of Illinois tax to holder of Illinois license No"

5) Where a manufacturer or importing distributor sells alcoholic

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liquors to a second manufacturer or importing distributor and assumes payment of gallonage tax with respect to such sales, invoices pertaining to such sales should be stamped with the language first set forth in the second paragraph of this section (d).

- 6) Failure of any manufacturer or importing distributor to print, stamp or write upon any invoice covering alcoholic liquor sold in Illinois any statement relating to payment of Illinois gallonage tax will oblige the Department to assume that the alcoholic liquors described therein were sold to persons not licensed as Illinois manufacturers or importing distributors, and the vendor is liable for tax with respect to such sales.

e) Bottling Losses:

At the time of an audit no deduction for bottling losses will be allowed unless accurate records are kept for each month, day by day, of the gallonage dumped or tanked for bottling and the number of cases and bottles produced therefrom, together with an inventory of the amount of beer, wine or alcohol and spirits remaining in the tanks at the end of each month. This deduction is allowable only when it relates to alcoholic liquors which are carried in inventory in the Liquor Revenue Return at the time when such bottling loss occurs.

f) License Numbers For Purchasers Must Appear On Sales Records:

No manufacturer or importing distributor shall sell or deliver any original package of alcoholic liquor to another person for resale, unless the person to whom such package is sold or delivered is authorized to receive such package in accordance with the provisions of the Act. All manufacturers or importing distributors must place the license number, if any, of the person receiving such liquors for resale on all receipts, bills, invoices, statements, etc., covering such sales or deliveries.

g) Records Maintained At Licensed Address:

Books and records of manufacturers and importing distributors must be maintained at the licensed addresses of such manufacturers and importing distributors. The Department may in its discretion prescribe uniform methods for keeping such records.

h) Breakage Losses:

- 1) At the time of an audit or hearing, no gallonage deduction, on account of breakage, which occurs on the premises of a

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manufacturer or importing distributor, will be allowed unless complete and accurate records are kept for each month, day by day, of the gallonage spilled or wasted by reason of breaking of containers.

- 2) The entry must be made in the breakage record on the date that the loss through breakage occurs, and entry should include the date, the number of bottles, cases or other containers broken, the gallonage of each class of alcoholic liquors spilled or lost from each type of container and the total gallonage lost on that particular day. In addition, the claimed loss through breakage will not be allowed unless the entries made in the licensee's breakage record are carried over to and entered in such licensee's general books and records.

- 3) Likewise, at the time of an audit or hearing, no gallonage deduction on account of breakage, which occurs off the premises of a manufacturer or importing distributor, will be allowed unless supported by competent documentary proof from an independent source.

- 4) No allowance for breakage will be made unless the containers of alcoholic liquors which are involved have not had tax paid with respect thereto and unless the alcoholic liquors which are involved are carried in inventory in the Liquor Revenue Return at the time when such breakage occurs.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF ADOPTED RULES

- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rules: This Part contains factors which are relevant when reviewing an application by a corporate fiduciary to establish a subsidiary.
- 16) Information and questions regarding this adopted rule shall be directed to:

Name: William L. Conaghan or Maria A. O'Donnell
Commissioner of Banks and Trust Companies
Address: 310 South Michigan Avenue, Suite 2130
Chicago, Illinois 60604
Telephone: (312) 793-2043

The full text of the Adopted Rule begins on the next page:

ILLINOIS REGISTER

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Corporate Fiduciary Subsidiaries
- 2) Code Citation: 38 Ill. Adm. Code 396
- 3) Section Numbers: Adopted Action:
396.10 New Section
396.20 New Section
396.30 New Section
- 4) Statutory Authority: Implementing Section 1-7(c) and authorized by Section 5-1 of the Corporate Fiduciary Act (Ill. Rev. Stat. 1989, ch. 17, pars. 1551-7(c) and 1555-1).
- 5) Effective date of Rule: September 18, 1990 .

- 6) Does this rulemaking contain an automatic repeal date?
Yes ☒ No ☐
- 7) Does this rule contain incorporations by reference? No.
- 8) Date filed in Agency's principal office: September 11, 1990.
- 9) Notice of Proposal Published in Illinois Register: March 2, 1990, 14 Ill. Reg. 2985.
- 10) Has JCAR issued a Statement of Objections to this Rule? No.
- 11) Differences between proposal and final version:
Pursuant to discussions with the Joint Committee, the Commissioner of Banks and Trust Companies agreed to add some examples of activities that could be conducted by a corporate fiduciary. The Commissioner also added some explanatory language addressing the type of information the Commissioner will consider relevant in determining the earnings potential and general character and experience of the corporate fiduciary.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes.
- 13) Will this rule replace an emergency rule currently in effect? No.

COMMISSIONER OF BANKS AND TRUST COMPANIES

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF ADOPTED RULES

PART 396

CORPORATE FIDUCIARY SUBSIDIARIES

- Section
- 396.10 Definitions
- 396.20 Purpose
- 396.30 Factors to be Considered by the Commissioner

AUTHORITY: Implementing Section 1-7(c) and authorized by Section 5-1 of the Corporate Fiduciary Act (Ill. Rev. Stat. 1989, ch. 17, pars. 1551-7(c) and 1555-1).

SOURCE: Adopted at 14 Ill. Reg. 15771, effective September 18, 1990.

Section 396.10 Definitions

"Commissioner" means the Office of the Commissioner of Banks and Trust Companies.

"corporate fiduciary" shall have the meaning ascribed to it in Section 1-5.05 of the Corporate Fiduciary Act (Ill. Rev. Stat. 1989, ch. 17, par. 1551-1 et seq.) as now or hereafter amended.

"corporate fiduciary subsidiary" means a subsidiary of a corporation organized for the purposes of accepting and executing trusts which has received a Certificate of Authority from the Commissioner to accept and execute trusts, but shall not include a state bank, a state savings and loan association, a state savings bank or any subsidiary thereof.

Section 396.20 Purpose

A corporate fiduciary which proposes to establish a subsidiary, whether by incorporating the subsidiary or by acquiring the subsidiary, shall apply, on an application specified by the Commissioner, for approval from the Commissioner, not less than 90 days prior to commencing business by the subsidiary if newly incorporated, or prior to its acquisition if it is acquired.

ILLINOIS REGISTER

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF ADOPTED RULES

Section 396.30 Factors to be Considered by the Commissioner

When reviewing an application to establish a corporate fiduciary subsidiary, the following factors are relevant:

- a) the types of activities to be conducted by the corporate fiduciary subsidiary (i.e., title insurance, employee benefit services and bookkeeping services);

subsidiary (i.e., the earnings are sufficient to meet the current and anticipated needs of the subsidiary as identified in its business plan);

- c) the general character and experience of the management of the corporate fiduciary subsidiary (i.e., background, formal education and practical experience in the types of services to be provided by the subsidiary); and

- d) the effect of the corporate fiduciary subsidiary upon the financial condition of the corporate fiduciary.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Marking, Inventory, Transfer and Disposal of State-Owned Personal Property

- 2) Code Citation: 44 Ill. Adm. Code 5010

- 3) Section Number: Adopted Action:

5010.110 Amendment
 5010.610 Amendment
 5010.660 Amendment
 5010.670 Amendment
 5010.710 Amendment
 5010.720 Amendment
 5010.730 Amendment
 5010.740 Amendment
 5010.1140 Amendment

- 4) Statutory Authority: Implementing and authorized by P.A. 86-459.

- 5) Effective Date of Rules: September 17, 1990

- 6) Does this rulemaking contain an automatic repeal date? No.

- 7) Does this Rule contain incorporations by reference? No.

- 8) Date Filed in Agency's Principal Office: September 17, 1990

- 9) Notice of Proposal Published in Illinois Register:

June 1, 1990, 14 Ill. Reg. 8271

- 10) Has JCAR issued a Statement of Objections to these rules? No.

- 11) Differences between proposal and final version: Illinois Revised Statute citations have been updated from "1987" to "1989". The new language in Section 5010.110(d) was changed to read "School districts of the State and to charitable, not-for-profit educational and public health organizations, including but not limited to medical institutions, clinics, hospitals, health centers, schools, colleges, universities, child care centers, museums, nursing homes, programs for the elderly, food banks, State Use Sheltered Workshops and the Boy and Girl Scouts of America".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

- 13) Will this Rule replace an emergency rule currently in effect? Yes.

- 14) Are there any amendments pending on this Part? No.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

- 15) Summary and Purpose of Rules:

The rulemaking amends the Property Control Act to provide for direct sale to charitable and not-for-profit entities.

- 16) Information and questions regarding these adopted rules shall be directed to:

John Brazaitis
 710 Stratton Office Building
 Springfield, IL 62706
 (217)524-4444

The full text of the Adopted Rules begin on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND
PROPERTY MANAGEMENT

SUBTITLE D: PROPERTY MANAGEMENT

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 5010

MARKING, INVENTORY, TRANSFER AND DISPOSAL OF
STATE-OWNED PERSONAL PROPERTY

SUBPART A: GENERAL

Section
5010.100
5010.110
5010.120

Authority
Policy
Applicability

SUBPART B: MARKING AND INVENTORY OF STATE PROPERTY

Section
5010.200
5010.210
5010.220
5010.230
5010.240
5010.250
5010.260

Definition of Equipment
Marking of State-Owned Equipment
Inventory of Equipment
Required Entries on Inventory Records
Definition of Required Entries
Demolition
Cannibalization

SUBPART C: PROPERTY REPORTING SYSTEM

Section
5010.300
5010.310
5010.320

Property Change Report (Repealed)
Transaction Codes
Vehicle Reporting

SUBPART D: INVENTORY REQUIREMENTS

Section
5010.400
5010.410
5010.420

Equipment Inventory Reporting
Types of Inventory
Report of Equipment Acquired Through Central Management Services (Repealed)

Report of Equipment not Acquired through Central Management Services Real Property Acquisitions (Repealed)
Report of Equipment Purchased on the Installment Plan
Fund Codes used on Agency Report of Acquired New Properties and Additions Form
Monthly Inventory (Repealed)
Annual Inventory
Reporting "On Location" Equipment for Annual Inventory Report

5010.480
5010.485
5010.490
5010.500
5010.510
5010.520

Reporting U.S. Property on Annual Inventory
Inventories of Facilities Scheduled for Closure
Discrepancies
Evidence of Theft Found During Annual Inventory
Property Control Information Processed on Magnetic Tape
Access to Automated Property Control Systems

SUBPART E: TRANSFERABLE EQUIPMENT

Section
5010.600
5010.610
5010.620
5010.630
5010.640
5010.650
5010.660
5010.670

Definition of Transferable Equipment
Disposal of Transferable Equipment
Report of Transferable Equipment
Moving and Storage of Transferable Equipment
Agency Requests for Transferable Equipment
Holding Time for Transferable Equipment
Sale of Transferable Equipment
Sale of Transferable Equipment to Municipalities or Units of Local Government, Illinois School Districts, and Not-for-Profit Educational, Charitable and Public Health Organizations

5010.680
5010.690
5010.700
5010.710
5010.720
5010.730

Trade-Ins
Trade-In Procedure
Exceptions to Trade-In Procedure
Determination of Appraised Value
Notice of Sales of Transferable Equipment
Terms of Sales to Municipalities and Units of Local Government in Illinois, Illinois School Districts, and Not-for-Profit Educational, Charitable and Public Health Organizations
Public Sale of Transferable Equipment

5010.740
5010.750
5010.760
5010.770
5010.780
5010.790
5010.800

Method of Sale
Frequency of Sales
Notice of Public Sales
Terms of Public Sale
Alternative Methods of Sale
Proceeds of Sales of Transferable Equipment

SUBPART F: SCRAP SALES AND PROCEDURES

Section
5010.900
5010.910
5010.920
5010.930
5010.940
5010.950
5010.960
5010.970
5010.980
5010.990

Scraping of State-Owned Equipment
Criteria for Scrapping
Permission to Scrap
Scraping Under Special Circumstances
Method of Disposal
Sale of Scrap
Authorization to Sell Scrap
Notice of Sale
Terms of Sales
Payment for Scrap by Bidder

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5010.1000 Assistance in Sales
5010.1010 Proceeds of Sale of Scrap

SUBPART G: DISPOSITION OF VEHICLES

Section
5010.1100 Disposal of State-Owned Vehicles
5010.1110 Vehicles to be Turned Over to the Property Control Division
5010.1120 Turning in Operable Vehicles
5010.1130 Transfer of Operable Vehicles to State Agencies
5010.1140 Sale of Vehicles
5010.1150 Inoperable Vehicles
5010.1160 Request for Disposal of Inoperable Vehicles
5010.1170 Funds Derived from Vehicle Sales

SUBPART H: DISPOSITION OF ELECTRONIC DATA PROCESSING EQUIPMENT

Section
5010.1200 Disposal of Electronic Data Processing Equipment
5010.1210 Agencies Authorized to Dispose of Surplus EDP Equipment
5010.1220 Transfer of Surplus EDP Equipment
5010.1230 Sale of EDP Equipment
5010.1240 Terms of Contract
5010.1250 Payment
5010.1260 Proceeds from Sale of Surplus EDP Equipment

SUBPART I: ANTIQUE, HISTORICAL AND SPECIAL INTEREST PROPERTY

Section
5010.1300 Property Value

SUBPART J: EXEMPTIONS

Section
5010.1400 Request for Exemption

SUBPART K: DISPOSITION OF LABORATORY EQUIPMENT

Section
5010.1500 Listing of Laboratory Equipment
5010.1510 Proceeds from Sales of Laboratory Equipment

SUBPART L: DISPOSITION OF HAZARDOUS MATERIAL

Section
5010.1600 Disposal of Hazardous Material

AUTHORITY: Implementing and authorized by Sections 67.15 and 67.22 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, pars.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

63b13.15 and 63b13.22) and Sections 1 through 7, 8, and 9 of The State Property Control Act (Ill. Rev. Stat. 1989, ch. 127, pars. 133b1-133b10, 133b11 and 133b12).

SOURCE: Adopted at 7 Ill. Reg. 9170, effective June 22, 1983; codified at 8 Ill. Reg. 17254; emergency amendment at 11 Ill. Reg. 2909, effective January 29, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 10671, effective June 14, 1988; emergency amendment at 14 Ill. Reg. 8714, effective May 15, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15775, effective September 17, 1990.

SUBPART A: GENERAL

Section 5010.110 Policy

- a) The Department of Central Management Services (CMS or Department) shall regulate the accountability and control of all State-owned property.
- b) The Department shall regulate the disposal of all State-owned tangible personal property.
- c) When economically practical, the Department shall supply transferable equipment to State agencies at no cost in lieu of the purchase of new items.
- d) Where items cannot be transferred, the Department shall sell the property, offering it first to municipalities and units of local government, school districts of the State and to charitable, not-for-profit educational and public health organizations, including but not limited to medical institutions, clinics, hospitals, health centers, schools, colleges, universities, child care centers, museums, nursing homes, programs for the elderly, food banks, State Use Sheltered Workshops and the Boy and Girl Scouts of America and then to the general public.
- e) The Department shall regulate the disposal and sale of scrapped State property.
- f) These functions shall be carried out by the Department of Central Management Services' Property Control Division.
- g) The Director of the Department of Central Management Services shall have the power to grant exception(s) to these rules.

(Source: Amended at 14 Ill. Reg. 15775, effective September 17, 1990.)

SUBPART E: TRANSFERABLE EQUIPMENT

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 5010.610 Disposal of Transferable Equipment

- a) The disposal of State-owned transferable equipment is the responsibility of the Property Control Division of CMS. State agencies may not dispose of transferable equipment without the knowledge and approval of the Property Control Division. Approval shall be conditioned upon compliance with relevant sections of these rules.

- b) Transferable equipment which is still serviceable shall be disposed of:

- 1) By trading in the equipment on replacements of a like nature;
- 2) by offering the equipment for the use of any State agency;
- 3) by sale to municipalities and other units of local government, Illinois school districts, and not-for-profit educational, charitable and public health organizations;
- 4) by sale to the general public.

- c) Transferable equipment which is no longer serviceable shall be scrapped. Scrap having a market value shall be sold.

- d) The disposal of surplus State-owned motor vehicles and electronic data processing equipment is subject to special regulations found in these rules.

(Source: Amended at 14 Ill. Reg. 15775, effective September 17, 1990.)

Section 5010.660 Sale of Transferable Equipment

- a) In the event that an item of transferable equipment is not wanted by any State agency, it shall be disposed of by sale.
- b) All transferable equipment that is to be sold shall be offered to units of local government in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations and then to the general public.

(Source: Amended at 14 Ill. Reg. 15775, effective September 17, 1990.)

Section 5010.670 Sale of Transferable Equipment to Municipalities or Units of Local Government, Illinois School Districts, and Not-for-Profit Educational, Charitable and Public Health Organizations

- a) All transferable equipment that is offered for sale shall be offered

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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first to units of local government in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations before other buyers.

- b) Equipment shall be sold to units of local government in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations at its appraised value.

- c) Sales shall be made on a "first come first served" basis. "Tie" requests will be awarded based on the intended use of the property and the ability of the unit of local government in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations to obtain the property elsewhere.

(Source: Amended at 14 Ill. Reg. 15775, effective September 17, 1990.)

Section 5010.710 Determination of Appraised Value

- a) If the original purchase price of the equipment (excluding motor vehicles) was \$10,000 or more, the appraised value for purposes of a sale to local governments in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations shall be determined by a qualified appraiser. For equipment commonly available in the market place, one who deals with equipment of that kind shall be deemed to be a qualified appraiser. For other types of equipment, the appraiser's qualification shall be evaluated in conformation with prevailing industry standards or practices.

- b) If the equipment had an original purchase price of less than \$10,000, the appraised price for a sale to local government in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations shall be set at a minimum of:

- 1) 25% of the initial purchase price if the equipment is in good condition and less than five years old;
- 2) 15% of the initial purchase price if the equipment is five or more years old; or
- 3) a realistic market price if the equipment is in extremely poor condition, has little value, or the original acquisition cost is unobtainable.

- c) For motor vehicles, the appraised value for a sale to a local government in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations shall be set at a minimum of:

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- 1) 25% of the initial purchase price if the vehicle is in good condition and less than five years old;
- 2) 15% of the initial purchase price if the vehicle is five or more years old or not in good condition.
- 3) Appraisal of condition will be made using standard industry practice.
- d) Scrap metal shall be priced at its cash market price at the time of sale.

(Source: Amended at 14 Ill. Reg. 15775, effective September 17, 1990)

Section 5010.720 Notice of Sales of Transferable Equipment

- a) Notice of sales of transferable equipment shall be given to local Illinois government, Illinois school districts, and not-for-profit educational, charitable and public health organizations by means calculated to alert the largest number of prospective buyers.
- b) Notices of sales shall list items for sale, condition, price, terms of sale and date and place of sale.
- c) In the absence of a security or safety risk making inspection impracticable, equipment offered for sale shall be made available for inspection following circulation of the notice of sale.

(Source: Amended at 14 Ill. Reg. 15775, effective September 17, 1990)

Section 5010.730 Terms of Sales to Municipalities and Units of Local Government in Illinois, Illinois School Districts, and Not-for-Profit Educational, Charitable and Public Health Organizations

- a) Equipment must be paid for at the time of sale by check drawn on the account of the purchasing municipality or unit of local government in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations.
- b) All equipment is sold "as-is", "where-is". The State specifically withholds all implied or express warranties.
- c) Equipment purchased by units of local government in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations may not be subsequently disposed of except:

- 1) To sell or transfer the equipment to another unit of local

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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government in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations;

- 2) as a trade-in on like equipment, subject to the same procedures on trade-in that State agencies must comply with; or
- 3) with the written permission of the Director of CMS. Permission will be granted if the equipment becomes unusable, unsafe, or obsolete.

(Source: Amended at 14 Ill. Reg. 15775, effective September 17, 1990)

Section 5010.740 Public Sale of Transferable Equipment

In the event that an item of transferable equipment cannot be disposed of by transfer to a State agency or by sale to a unit of local government in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations, the equipment shall be offered for sale to the general public.

(Source: Amended at 14 Ill. Reg. 15775, effective September 17, 1990)

SUBPART G: DISPOSITION OF VEHICLES

Section 5010.1140 Sale of Vehicles

- a) All surplus vehicles not transferred to State agencies shall be offered to units of local government in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations for sale.
- b) Any such sale to a unit of local government in Illinois, Illinois school districts, and not-for-profit educational, charitable and public health organizations is subject to the same terms and restrictions as the sale of any other transferable equipment.
- c) Any remaining vehicles shall be sold at auction to the general public at times determined by the Property Control Division.
- d) Any such sale to the general public shall be subject to the same conditions as the sale of any other transferable equipment.
- e) All surplus vehicles shall retain a 6-digit equipment number when being transferred from agency to agency or prior to being sold at public auction.

(Source: Amended at 14 Ill. Reg. 15775, effective September 17, 1990)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

1) Heading of the Part: INFORMATION TO BE SUBMITTED IN A PERMIT APPLICATION

2) Code Citation: 35 Ill. Adm. Code 812

3) Section Numbers: Adopted Action:

812.101	New Section
812.102	New Section
812.103	New Section
812.104	New Section
812.105	New Section
812.106	New Section
812.107	New Section
812.108	New Section
812.109	New Section
812.110	New Section
812.111	New Section
812.112	New Section
812.113	New Section
812.114	New Section
812.115	New Section
812.116	New Section
812.201	New Section
812.202	New Section
812.203	New Section
812.204	New Section
812.301	New Section
812.302	New Section
812.303	New Section
812.304	New Section
812.305	New Section
812.306	New Section
812.307	New Section
812.308	New Section
812.309	New Section
812.310	New Section
812.311	New Section
812.312	New Section
812.313	New Section
812.314	New Section
812.315	New Section
812.316	New Section
812.317	New Section
812.318	New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 $\frac{1}{2}$, pars. 1005, 1021.1, 1022, 1022.17, 1027 and 1028.1.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

5) Effective Date of rules: September 18, 1990

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these rules contain incorporations by reference?

No. Section 810.104 contains all incorporations by reference for Parts 810 through 815 in a single location. However, this Part may cite to Section 810.104 references.

8) Date filed in Board's Principal Office: Order adopted August 17, 1990.

9) Notice of Proposal Published in Illinois Register:

March 16, 1990, 14 Ill. Reg. 3834

10) Has JCAR issued a Statement of Objections to these rules? No.

JCAR issued its Certificate of No Objection on August 2, 1990.

11) Differences between proposal and final version:

The Board has corrected citation format in the adopted rules. The Board further added a reference to Part 309 at Section 812.110(a); expanded Section 812.305(c)(4) to add definition to soil specifications; added Section 812.309(c) require submission of supporting information, including Section 811.310(b)(3) predictive modeling results; added clarifying language to Section 812.316(b), (c), and (h) and corrected "input" to "model" in subsection (g); and reworded Section 812.317(b).

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these rules replace emergency rules currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and Purpose of rules:

A complete description is contained in the Board's Opinion of August 17, 1990 in R88-7, which Opinion is available from the address below. In summary, the Board has adopted sweeping amendments to its existing regulations for the design and operation of new and existing landfills, including all municipal and industrial landfills. The Parts affected in docket R88-7 are 35 Ill. Adm. Code 807, 810, 811, 812, 813, 814, and 815, which all appear in this issue.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Part 812 sets forth requirements for submission of landfill permit applications and the information required with such applications. These rules include more specific provisions for landfills accepting inert wastes and for those accepting chemical and putrescible wastes.

- 16) Information and questions regarding these adopted rules shall be directed to:

Kathleen Crowley
Senior Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6929

The full text of the adopted rules begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 812

INFORMATION TO BE SUBMITTED IN A PERMIT APPLICATION

SUBPART A: GENERAL INFORMATION REQUIRED FOR ALL LANDFILLS

Section	
812.101	Scope and Applicability
812.102	Certification by Professional Engineer
812.103	Application Fees
812.104	Required Signatures
812.105	Approval by Unit of Local Government
812.106	Site Location Map
812.107	Site Plan Map
812.108	Narrative Description of the Facility
812.109	Location Standards
812.110	Surface Water Control
812.111	Daily Cover
812.112	Legal Description
812.113	Proof of Property Ownership and Certification
812.114	Closure Plans
812.115	Postclosure Care Plans
812.116	Closure and Postclosure Cost Estimates

SUBPART B: ADDITIONAL INFORMATION REQUIRED FOR INERT WASTE LANDFILLS

Section	
812.201	Scope and Applicability
812.202	Waste Stream Test Results
812.203	Final Cover
812.204	Closure Requirements

SUBPART C: ADDITIONAL INFORMATION REQUIRED FOR PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section	
812.301	Scope and Applicability
812.302	Waste Analysis
812.303	Site Location
812.304	Waste Shredding
812.305	Foundation Analysis and Design
812.306	Design of the Liner System
812.307	Leachate Drainage and Collection Systems
812.308	Leachate Management System
812.309	Landfill Gas Monitoring Systems
812.310	Gas Collection Systems

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NOTICE OF ADOPTED RULES

- 812.311 Landfill Gas Disposal
 812.312 Intermediate Cover
 812.313 Design of the Final Cover System
 812.314 Description of the Hydrogeology
 812.315 Plugging and Sealing of Drill Holes
 812.316 Results of the Groundwater Impact Assessment
 812.317 Groundwater Monitoring Program
 812.318 Operating Plans

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1, and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, pars. 1005, 1021.1, 1022, 1022.17, 1028.1 and 1027).

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15785, effective September 18, 1990

NOTE: Capitalization indicates statutory language.

SUBPART A: GENERAL INFORMATION REQUIRED FOR ALL LANDFILLS

Section 812.101 Scope and Applicability

- a) All persons, except those specifically exempted by Section 21(d) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1989, ch. 111½, par. 1021(d)) shall submit to the Agency an application for a permit to develop and operate a landfill. The application must contain the information required by this Subpart and by Section 39(a) of the Act.
- b) Subpart A contains general standards applicable to all landfills. Subpart B contains additional standards applicable to landfills which accept only inert waste. Subpart C contains additional standards applicable to landfills which accept chemical and putrescible waste.
- c) All general provisions of 35 Ill. Adm. Code 810 apply to this Part.

Section 812.102 Certification by Professional Engineer

All designs shall be prepared by, or under the supervision of, a professional engineer. The professional engineer shall affix the name of the engineer, date of preparation, registration number, a statement attesting to the accuracy of the information and design, and a professional seal to all designs.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Section 812.103 Application Fees

The permit application must be accompanied by all filing fees required pursuant to Section 5(f) of the Act.

Section 812.104 Required Signatures

- a) All permit applications shall contain the name, address, and telephone number of a duly authorized agent of the operator and the property owner to whom all inquiries and correspondence shall be addressed.
- b) All permit applications shall be signed by a duly authorized agent of the operator and the property owner, shall be accompanied by an oath or affidavit attesting to the agent's authority to sign the application and shall be notarized. The following persons are considered duly authorized agents of the operator and the property owner:
- 1) For Corporations, a principal executive officer of at least the level of vice president;
 - 2) For a sole proprietorship or partnership, a proprietor or general partner, respectively; and
 - 3) For a municipality, state, federal or other public agency, by the head of the agency or ranking elected official.

Section 812.105 Approval by Unit of Local Government

The applicant shall state whether the facility is a new regional pollution control facility, as defined in Section 3.32 of the Act, which is subject to the site location suitability approval requirements of Sections 39(c) and 39.2 of the Act. If such approval by a unit of local government is required, the application shall identify the unit of local government with jurisdiction. The application shall contain any approval issued by that unit of local government. If no approval has been granted, the application shall describe the status of the approval request.

Section 812.106 Site Location Map

All permit applications shall contain a site location map on the most recent United States Geological Survey (USGS) quadrangle of the area from the 7½ minute series (topographic), or on such other map whose scale clearly shows the following information:

- a) The permit area and all adjacent property, extending at least 1000 meters (3300 feet) beyond the boundary of the facility;

POLLUTION CONTROL BOARD

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- b) All surface waters;
- c) The prevailing wind direction;
- d) All rivers designated for protection under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);
- e) The limits of all 100-year floodplains;
- f) All natural areas designated as a Dedicated Illinois Nature Preserve pursuant to the Illinois Natural Areas Preservation Act (Ill. Rev. Stat. 1989, ch. 105, par. 701 et seq.);
- g) All historic and archaeological sites designated by the National Historic Preservation Act (16 U.S.C. 470 et seq.) and the Illinois Historic Preservation Act (Ill. Rev. Stat. 1989 ch. 127, par. 133d1 et seq.);
- h) All areas identified as critical habitat pursuant to the Endangered Species Act (16 U.S.C. 1531 et seq.) and the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1989, ch. 8, par. 331 et seq.); and
- i) All main service corridors, transportation routes, and access roads to the facility.

Section 812.107 Site Plan Map

The application shall contain maps, including cross sectional maps of the site boundaries, showing the location of the facility on a scale no smaller than one inch equals 200 feet containing a two-foot contour interval. The following information shall be shown:

- a) The entire permit area;
- b) The boundaries, both above and below ground level, of the facility and all units included in the facility;
- c) Location of borrow areas;
- d) Boundaries of all areas to be disturbed;
- e) The proposed phasing of the facility, including a delineation of the approximate area to be disturbed each year and areas expected to be closed each year in compliance with 35 Ill. Adm. Code 811.107(a);

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- f) All roads in and around the facility;
- g) Devices for controlling access to the facility;
- h) Devices for controlling litter;
- i) Fire protection facilities; and
- j) Utilities.

Section 812.108 Narrative Description of the Facility

The permit application shall contain a written description of the facility with supporting documentation describing the procedures and plans that will be used at the facility to comply with the requirements of 35 Ill. Adm. Code 811 and any other applicable parts of 35 Ill. Adm. Code: Chapter I. Such descriptions shall include, but not be limited to the following information:

- a) The type of waste disposal units and the types of wastes expected in each unit;
- b) An estimate of the maximum capacity of each unit and the rate at which waste is to be placed;
- c) The manner in which waste will be placed and compacted to comply with 35 Ill. Adm. Code 811.105;
- d) The estimated unit weight of the waste;
- e) The length of time each unit will receive waste;
- f) The design period to be used for each unit;
- g) Size of the open face area, including all information showing that slopes steeper than two to one will be stable and in compliance with 35 Ill. Adm. Code 811.107(b);
- h) A description of how units will be developed to allow contemporaneous closure and stabilization pursuant to 35 Ill. Adm. Code 811.110, 811.111, 811.204, 811.205 or 811.322;
- i) A description of all equipment to be used at the facility for complying with 35 Ill. Adm. Code 807.304;
- j) A litter control plan for complying with 35 Ill. Adm. Code 811.107(k);
- k) A salvaging plan including a description of all salvage facilities

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- and a plan for complying with 35 Ill. Adm. Code 811.108;
- 1) A description of all utilities for operation in compliance with 35 Ill. Adm. Code 811.107(d);
 - m) A boundary control plan describing how the operator will comply with the requirements of 35 Ill. Adm. Code 811.109;
 - n) A maintenance plan describing how the operator will comply with 35 Ill. Adm. Code 811.107(c) and (e);
 - o) An air quality plan describing the methods to be used to comply with the open burning requirements of 35 Ill. Adm. Code 811.107(f) and for controlling dust in compliance with 35 Ill. Adm. Code 811.107(g);
 - p) A noise control plan describing how the operator will control noise in compliance with 35 Ill. Adm. Code 811.107(h);
 - q) An odor control plan;
 - r) A vector control plan to comply with 35 Ill. Adm. Code 811.107(i);
 - s) A firefighting and fire safety plan; and
 - t) A transportation plan that includes all existing and planned roads in the facility that will be used during the operation of the landfill facility; the size and type of such roads and the frequency with which they will be used.

Section 812.109 Location Standards

The permit application shall contain:

- a) Documentation that the facility will operate in compliance with 35 Ill. Adm. Code 811.102(a).
- b) A floodplain determination containing:
 - 1) Documentation that the facility is not located within the floodplain of the 100-year flood event; or
 - 2) Documentation that the facility meets the requirements of 35 Ill. Adm. Code 811.102(b).
- c) Documentation from the State Historic Preservation Officer that the facility will be in compliance with 35 Ill. Adm. Code 811.102(c).

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- d) Documentation from the Illinois Nature Preserves Commission that the facility will be in compliance with 811.102(c) as it relates to Dedicated Illinois Nature Preserves.
- e) Documentation that the facility will be in compliance with 35 Ill. Adm. Code 811.102(d).
- f) Documentation that a facility located within a wetland is in compliance with Section 404 of the Clean Water Act (35 U.S.C. 1344).
- g) Documentation that the facility is in compliance with 35 Ill. Adm. Code 811.102(f).

Section 812.110 Surface Water Control

The permit application shall contain a plan for controlling surface water which demonstrates compliance with 35 Ill. Adm. Code 811.103, and which shall include at least the following:

- a) A copy of the approved National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to 35 Ill. Adm. Code 309 or, if a permit is pending, a copy of the NPDES permit application to discharge runoff from all disturbed areas;
- b) A map showing the location of all structures affected by the surface water runoff from disturbed areas on the facility;
- c) Detailed designs of all structures to be constructed during development of the facility and during the first five year operating period; and
- d) Estimated construction dates of all structures to be constructed beyond the first five year operating period.

Section 812.111 Daily Cover

The application shall contain a description of the material to be used as daily cover:

- a) A description of the soil to be used, including its classification and approximate hydraulic conductivity; or
- b) Documentation that any proposed alternative materials or procedures to substitute for daily cover meet the minimum requirements of 35 Ill. Adm. Code 811.106(b).

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Section 812.112 Legal Description

The permit application shall contain a legal description of the facility boundary and the boundaries of all units included in the facility. This legal description shall identify the nature and location of all stakes and monuments required by Section 811.104 and shall be prepared by or under the supervision of a professional surveyor, who shall affix a professional seal to the work.

Section 812.113 Proof of Property Ownership and Certification

The permit application shall contain a certificate of ownership of the permit area or a copy of the lease. The lease shall clearly specify that the owner authorizes the construction of a waste disposal facility on the leased premises, and the duration of the lease will be at least as long as the design period of the landfill. Any prior conduct certifications issued to the owner or operator shall be included in the permit application. The owner and operator shall certify that the Agency will be notified within seven days of any changes in ownership or conditions in the lease affecting the permit area.

Section 812.114 Closure Plans

The permit application shall contain a written closure plan which contains, at a minimum, the following:

- a) A map showing the configuration of the facility after closure of all units, with the following:
 - 1) A contour map showing the proposed final topography (after placement of the final cover) of all disturbed areas on a 1" = 200' scale and a contour interval of two feet; and
 - 2) The location of all facility-related structures to remain as permanent features after closure;
- b) Steps necessary for the premature final closure of the site at the assumed closure date, as defined in 35 Ill. Adm. Code 811.700(e);
- c) Steps necessary for the final closure of the site at the end of its intended operating life;
- d) Steps necessary to prevent damage to the environment during temporary suspension of waste acceptance if the operator wants a permit which would allow temporary suspension of waste acceptance at the site without initiating final closure;
- e) A description of the steps necessary to decontaminate equipment during closure;

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f) An estimate of the expected year of closure;

g) Schedules for the premature and final closure, which shall include, at a minimum:

- 1) Total time required to close the site; and
- 2) Time required for closure activities which will allow tracking of the progress of closure; and

h) A description of methods for compliance with all closure requirements of 35 Ill. Adm. Code 811.

Section 812.115 Postclosure Care Plans

The application shall contain a postclosure care plan which includes a written description of the measures to be taken during the postclosure care period in compliance with the requirements of 35 Ill. Adm. Code 811.

Section 812.116 Closure and Postclosure Cost Estimates

The application shall contain an estimate of the costs of closure and postclosure care and maintenance in accordance with the requirements of 35 Ill. Adm. Code 811.Subpart G.

SUBPART B: ADDITIONAL INFORMATION REQUIRED FOR INERT WASTE LANDFILLS

Section 812.201 Scope and Applicability

In addition to the information required by Subpart A, an application for a permit to develop an inert waste disposal unit shall contain the information required by this Subpart.

Section 812.202 Waste Stream Test Results

The application shall contain information describing the waste and results of tests conducted on the waste pursuant to 35 Ill. Adm. Code 811.202 demonstrating that all waste entering the unit meet the definition of an inert waste.

Section 812.203 Final Cover

The permit application shall contain a description of the material to be used as the final cover, application and spreading techniques, and the types of vegetation to be planted pursuant to 35 Ill. Adm. Code 811.204.

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Section 812.204 Closure Requirements

The permit application shall contain a description of how the applicant will comply with 35 Ill. Adm. Code 811.205(a) and (b).

SUBPART C: ADDITIONAL INFORMATION REQUIRED FOR PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section 812.301 Scope and Applicability

In addition to the information required by Subpart A, an application for a permit to develop a putrescible or chemical waste landfill shall contain the information required by this Subpart.

Section 812.302 Waste Analysis

An application for a landfill that accepts only chemical wastes shall include the results of a waste analysis showing that the wastes to be accepted at the facility meet the definition of a chemical waste. The analysis shall show that all wastes entering the unit will be compatible and will not react to form a hazardous substance or gaseous products.

Section 812.303 Site Location

a) The permit application shall contain a site location map showing the location of the following structures or areas located within one mile of the facility:

- 1) All water supply wells in use for drinking water;
- 2) All setback zones established pursuant to Section 14.2 or 14.3 of the Act;
- 3) Any sole source aquifer, or that an impervious strata exists between the facility and the aquifer that meets the minimum requirements of 35 Ill. Adm. Code 811.302(b);
- 4) Units located within a setback zone established pursuant to Section 14.2 or 14.3 of the Act showing that the location still meets the minimum requirements of 35 Ill. Adm. Code 811.302(b);
- 5) All state and federal parks and recreational areas;
- 6) All state, federal or interstate highways and the location of any barriers necessary to comply with 35 Ill. Adm. Code 811.302(c);

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- 7) All occupied dwellings, hospitals and schools; and
- 8) All airports.

b) If any areas or structures included in a site location map, in accordance with subsection (a), requires a demonstration or showing, then documentation of the demonstration or showing must accompany the site location map.

Section 812.304 Waste Shredding

If waste shredding is planned for the facility operation, including the landfilling of shredded waste, then the application shall contain documentation to demonstrate compliance with 35 Ill. Adm Code 811.303(b), including a description of the mechanical shredder proposed for use.

Section 812.305 Foundation Analysis and Design

a) The permit application shall contain a foundation study and analysis showing that the unit demonstrates compliance with 35 Ill. Adm. Code 811.304 and 811.305.

b) The study shall be performed by or under the supervision of a registered professional engineer.

c) The following information shall be included in the permit application:

- 1) Results of tests performed on foundation materials;
- 2) Estimated settlement of the unit;
- 3) Diagrams and cross sections of any proposed subbase or foundation construction;
- 4) Specifications for soil to be used for foundation construction shall include, but not be limited to, soil classification, permeability, moisture content, moisture-density relationship, plasticity, and strength; and
- 5) A construction quality assurance program for proper implementation of the foundation pursuant to 35 Ill. Adm. Code 811.Subpart E.

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Section 812.306 Design of the Liner System

The application shall contain information to show that the design of the liner system meets the minimum requirements of 35 Ill. Adm. Code 811.306, including the following information:

a) For Compacted Clay Liners:

- 1) Cross sections and plan views of the liner system;
- 2) Results of any field or laboratory tests demonstrating that the liner material complies with 35 Ill. Adm. Code 811.306(d);
- 3) A description of the test liner, including:
 - A) Diagrams and any supporting documentation showing that the test liner will be constructed and evaluated in accordance with 35 Ill. Adm. Code 811.507(a); or
 - B) A detailed description of the results of the test liner constructed in accordance with 35 Ill. Adm. Code 811.507(a), if constructed prior to permit application;

- 4) A description of construction methods and equipment to be utilized; and

- 5) A construction quality assurance plan pursuant to 35 Ill. Adm. Code 811.Subpart E.

b) For geomembranes:

- 1) A description of the physical properties of the geomembrane;
- 2) Documentation showing that the design of the geomembrane meets the minimum requirements of 35 Ill. Adm. Code 811.306(e);
- 3) A description of the methods to seam the geomembrane in the field in compliance with 35 Ill. Adm. Code 811.306(e)(5);
- 4) A plan showing the proposed layout of the individual panels and the locations of all openings through the geomembrane;
- 5) A cross section and description of how openings in the membrane will be constructed to minimize leaks; and

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- 6) A construction quality assurance program pursuant to 35 Ill. Adm. Code 811.Subpart E for proper construction, seaming and inspection of the geomembrane.

c) For Slurry Trenches and Cutoff Walls:

- 1) A description of the slurry trench or cutoff wall, including documentation of cross sections, material specifications and methods of construction to demonstrate compliance with 35 Ill. Adm. Code 811.306(f);
- 2) Location and descriptions of the boreholes, including the results of any testing; and
- 3) A construction quality assurance plan, pursuant to 35 Ill. Adm. Code 811.Subpart E.

d) For Alternative Liner Technology:

- A complete description of the technology, including documentation demonstrating that the technology will perform as required by 35 Ill. Adm. Code 811.306(f).

Section 812.307 Leachate Drainage and Collection Systems

The permit application shall contain information to demonstrate that the proposed leachate drainage and collection system will be in compliance with 35 Ill. Adm. Code 811.307 and 811.308, including:

- a) A plan view of the leachate collection system, showing pipe locations, cleanouts, manholes, sumps, leachate storage structures and other related information;
- b) Cross sections and descriptions of manholes, sumps, cleanouts, connections and other appurtenances;
- c) The locations of all leachate level monitoring locations;
- d) A stability analysis showing that the side slopes will maintain the necessary static and seismic safety factors during all phases of operation;
- e) All calculations, assumptions and information used to design the leachate collection and drainage system;
- f) A description of the methods to be used to clean and otherwise maintain the leachate collection and drainage system, including the number and location of access and cleanout points; and

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- g) A construction quality assurance program to insure proper construction of the systems pursuant to 35 Ill. Adm. Code 811.309(f)(6), a demonstration plan to remove daily and intermediate cover is permeable, or a additional waste disposal.

Section 812.308 Leachate Management System

- a) The application shall contain information to show how the applicant will comply with 35 Ill. Adm. Code 811.309, including the following information:

- 1) Leachate disposal methods, including:
 - A) The approved NPDES permit or, if the permit is pending, the NPDES permit application;
 - B) Documentation to demonstrate that the off-site treatment works meets the requirements of 35 Ill. Adm. Code 811.309(e)(1); or
 - C) Pretreatment authorization, if necessary from the off-site publicly owned treatment works pursuant to 35 Ill. Adm. Code 310;
- 2) Design of tanks, lagoons, and all other treatment or storage units;
- 3) A map showing the location of all units, piping and monitoring stations; and
- 4) A description of the leachate monitoring system, including all parameters to be monitored and the location of the sampling points.

- b) The operator may include in the application a request for authorization to recycle leachate, if desired. The request shall be supported by information to demonstrate compliance with 35 Ill. Adm. Code 811.309(f), including:

- 1) A demonstration that the unit satisfies the criteria of 35 Ill. Adm. Code 811.309(f)(1);
- 2) Estimates of the expected volume of excess leachate, as defined in 35 Ill. Adm. Code 811.309(f)(3);
- 3) A plan for the disposal of excess leachate, as defined in 35 Ill. Adm. Code 811.309(f)(3);

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- 4) Layout and design of the leachate distribution system; and
- 5) Pursuant to 35 Ill. Adm. Code 811.309(f)(6), a demonstration plan to remove daily and intermediate cover is permeable, or a additional waste disposal.

Section 812.309 Landfill Gas Monitoring Systems

The permit application shall contain a plan to monitor the buildup and composition of landfill gas in compliance with 35 Ill. Adm. Code 811.310, including:

- a) A description of the most likely paths of migration of landfill gas expected to be generated by the unit, supported by the results of any predictive modeling study of gas flow through the strata surrounding the facility used, pursuant to 35 Ill. Adm. Code 811.310(b)(2);
- b) The location and design of sampling points; and
- c) Support for the items under subsections (a) and (b) must be provided and shall include the results of the predictive modeling study of the gas flow in accordance with 35 Ill. Adm. Code 811.310(b)(3).

Section 812.310 Gas Collection Systems

The permit application shall contain, when a gas collection system is required pursuant to 35 Ill. Adm. Code 811.311(a), a plan for collecting landfill gas from the unit. The plan shall contain information to demonstrate compliance with 35 Ill. Adm. Code 811.311, including:

- a) Location of the collection points;
- b) Layout and design of the collection system;
- c) A description of and specifications for all machinery, compressors, flares, piping and other appurtenances necessary to the system; and
- d) A gas condensate disposal plan.

Section 812.311 Landfill Gas Disposal

When a permit application contains a plan for a gas collection system, then a plan for landfill gas disposal shall be submitted. The plan shall contain information to demonstrate compliance with 35 Ill. Adm. Code 811.312,

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including:

- a) The approved air discharge permit or, if the permit is pending, a copy of the air discharge permit application required pursuant to 35 Ill. Adm. Code 200 through 245;
- b) A map showing the location of the gas processing facility;
- c) Designs for the disposal system;
- d) A gas processing plan which includes a description of the beneficial uses to be derived for the gas and the design of the processing system; and
- e) Where an off-site processing plant is utilized, the application shall contain documentation showing that the plant meets all requirements of 35 Ill. Adm. Code 811.312(g).

Section 812.312 Intermediate Cover

The application shall contain a description of the material to be used as intermediate cover in accordance with 35 Ill. Adm. Code 811.313, including:

- a) A description of the soil to be used, including its classification and approximate hydraulic conductivity; or
- b) A demonstration that any proposed alternative materials or procedures to substitute for intermediate cover meet the minimum requirements of 35 Ill. Adm. Code 811.313.

Section 812.313 Design of the Final Cover System

The permit application shall contain documentation for the final cover system to demonstrate compliance with 35 Ill. Adm. Code 811.314, including:

- a) Material specifications;
- b) Placement techniques;
- c) Estimates of settling;
- d) A description of final protective cover, including a description of the soil and the depth necessary to maintain the proposed land use of the area;
- e) A description showing how the low permeability layer will tie into the liner system; and

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- f) A construction quality assurance program, pursuant to 35 Ill. Adm. Code 811.Subpart E, which provides that the cover is constructed in compliance with all applicable requirements of 35 Ill. Adm. Code 811.

Section 812.314 Description of the Hydrogeology

The permit application shall contain a description of the local hydrogeologic system, which shall include the results of the investigation conducted in accordance with 35 Ill. Adm. Code 811.315 and which includes the following information:

- a) A narrative description of the regional setting;
- b) A narrative description characterizing the hydrogeological conditions within the permit area;
- c) Geological cross sections of the permit area showing all water bearing strata, water elevations and all geological units;
- d) Location of all bore holes and test pits;
- e) All well and bore logs;
- f) Laboratory and field testing data;
- g) A detailed description of each geological unit found within the study area, including physical and geochemical properties; and
- h) A description of all water bearing strata under the facility, including a potentiometric map, groundwater flow velocities and directions and a description of the water quality.

Section 812.315 Plugging and Sealing of Drill Holes

The application shall contain a plan describing the techniques and materials to be utilized to plug and seal drill holes in accordance with 35 Ill. Adm. Code 811.316.

Section 812.316 Results of the Groundwater Impact Assessment

The application shall contain the results of a groundwater impact assessment showing that the proposed unit will not violate the requirements of 35 Ill. Adm. Code 811.317. The assessment shall contain, at a minimum, the following information:

- a) Documentation of the contaminant transport model used for the assessment;

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- b) All data, including values of the model's parameters and site-specific hydrogeologic information used in the modeling and analysis of the groundwater impact;
- c) A sensitivity analysis of the effects of changes in the model's parameters on the model's predictions;
- d) Predicted concentration versus time profiles for several points within the zone of attenuation over a predicted time period of 100 years;
- e) Predicted concentration versus distance profiles taken at five year increments for 100 years;
- f) Documentation showing reliability of the model;
- g) Documentation demonstrating validity of all model parameters and assumptions; and
- h) A written evaluation and analysis, using the information from the groundwater impact assessment, showing the results of the groundwater impacts expected at the facility, such as the type and geographical extent of contamination present or expected, or the rate of movement of contaminants, to demonstrate that the groundwater impact is acceptable in accordance with 35 Ill. Adm. Code 811.317(b).

Section 812.317 Groundwater Monitoring Program

The permit application shall contain a groundwater monitoring plan which demonstrates compliance with 35 Ill. Adm. Code 811.318 and 811.319 and which includes the following information:

- a) A site plan map showing all zones of attenuation;
- b) Distance from the ground surface to the bottom of the uppermost aquifer;
- c) The location and depth of all groundwater monitoring points;
- d) The design of the groundwater monitoring wells, with a description of the materials to be used in constructing each well;
- e) A list of the parameters to be tested at each monitoring point;
- f) A concentration versus time profile for each monitoring point, showing the maximum allowable concentration at that monitoring

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- point for the 100 years after the closure of the unit;
- g) A description of the sampling procedure to be followed;
- h) A description of the preservation techniques to be utilized;
- i) A description of the chain of custody, packing and transportation plans for all samples to meet the requirements of 35 Ill. Adm. Code 811.318(e);
- j) A description of the laboratory analysis, including laboratory procedures, quality control, and error detection;
- k) A description of the statistical analysis techniques to be used for evaluating the monitoring data;
- l) A description of the groundwater quality standards applicable at the facility pursuant to 35 Ill. Adm. Code 811.320, including a specific numerical value for each constituent and including an evaluation of the background concentrations of each constituent to be monitored; and
- m) A description of the statistical method to be utilized when evaluating groundwater data.

Section 812.318 Operating Plans

- a) The application shall contain all information necessary to demonstrate compliance with 35 Ill. Adm. Code 811.321(a).
- b) The application shall contain a narrative description of the initial waste placement plan, to demonstrate compliance with 35 Ill. Adm. Code 811.321(b).

1) Heading of the Part: PROCEDURAL REQUIREMENTS FOR ALL LANDFILLS EXEMPT FROM PERMITS

2) Code Citation: 35 Ill. Adm. Code 815

<u>Section Numbers:</u> <u>Adopted Action:</u>	
815.101	New Section
815.102	New Section
815.201	New Section
815.202	New Section
815.203	New Section
815.204	New Section
815.301	New Section
815.302	New Section
815.303	New Section
815.401	New Section
815.402	New Section
815.501	New Section
815.502	New Section
815.503	New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111k, pars. 1005, 1021.1, 1022, 1022.17, 1027 and 1028.1).

5) Effective Date of rules: September 18, 1990

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these rules contain incorporations by reference?

No. Section 810.104 contains all incorporations by reference for Parts 810 through 815 in a single location. However, this Part may cite to Section 810.104 references.

8) Date filed in Board's Principal Office: Order adopted August 17, 1990.

9) Notice of Proposal Published in Illinois Register:

March 16, 1990, 14 Ill. Reg. 3872

10) Has JCAR issued a Statement of Objections to these rules? No.

JCAR issued its Certificate of No Objection on August 2, 1990.

11) Differences between proposal and final version:

The Board has corrected citation format in the adopted rules. The Board

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revised Section 815.303(b)(2) for clarity, subsection (d) to require annual reporting of all modifications at the facility, and subsection (e) to more explicitly require the signature of the operator or its duly authorized agent. The Board also added language to Section 815.501 to provide for an alternative location for records retention under certain specified circumstances. The Board reworded Section 815.502 for clarity.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these rules replace emergency rules currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and Purpose of rules:

A complete description is contained in the Board's Opinion of August 17, 1990 in R88-7, which Opinion is available from the address below. In summary, the Board has adopted sweeping amendments to its existing regulations for the design and operation of new and existing landfills, including all municipal and industrial landfills. The Parts affected in docket R88-7 are 35 Ill. Adm. Code 807, 810, 811, 812, 813, 814, and 815, which all appear in this issue.

Part 815 sets forth requirements applicable to all landfills exempt from permit requirements. The requirements include provisions for reporting and records retention.

16) Information and questions regarding these adopted rules shall be directed to:

Kathleen Crowley
Senior Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6929

The full text of the adopted rules begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 815

PROCEDURAL REQUIREMENTS FOR ALL LANDFILLS EXEMPT FROM PERMITS

SUBPART A: GENERAL REQUIREMENTS

Section
815.101 Scope and Applicability
815.102 Required Signatures

SUBPART B: INITIAL FACILITY REPORT

Section
815.201 Scope and Applicability
815.202 Filing Deadline
815.203 Information to be Filed
815.204 Required Signatures

SUBPART C: ANNUAL REPORTS

Section
815.301 Scope and Applicability
815.302 Reporting Period
815.303 Information to be Submitted

SUBPART D: QUARTERLY GROUNDWATER REPORTS

Section
815.401 Scope and Applicability
815.402 Filing Schedule

SUBPART E: INFORMATION TO BE RETAINED ON-SITE

Section
815.501 Scope and Applicability
815.502 Acceptance Reports
815.503 Other Information

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17, 28.1, and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, pars. 1005, 1021, 1022, 1022.17, 1028.1 and 1027).

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15807, effective September 18, 1990

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SUBPART A: GENERAL REQUIREMENTS

Section 815.101 Scope and Applicability

- a) The requirements of this Part are applicable to all landfills exempt from permits pursuant to Section 21(d) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1989, ch. 111½, par. 1021(d)). All reports and information required under this Part shall be filed with the Agency or retained on site in accordance with the requirements set forth in each Subpart.

- b) All general provisions in 35 Ill. Adm. Code 810 apply to this Part.

Section 815.102 Required Signatures

All reports shall be signed by a duly authorized agent. The following persons are considered duly authorized agents:

- a) For Corporations, a principal executive officer of at least the level of vice president;
- b) For a sole proprietorship or partnership, a proprietor or general partner, respectively;
- c) For a municipality, state, federal or other public agency, by the head of the agency or ranking elected official.

SUBPART B: INITIAL FACILITY REPORT

Section 815.201 Scope and Applicability

All landfills regulated under this Part shall file an initial facility report with the Agency as specified in this Subpart to provide information concerning location and disposal practices of the facility.

Section 815.202 Filing Deadline

- a) Existing Facilities

The initial facility report shall be filed with the Agency within two years of the effective date of this Part.

- b) New Facilities

The initial facility report shall be filed with the Agency before any waste is accepted.

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Section 815.203 Information to be Filed

a) New Units

All of the information required by 35 Ill. Adm. Code 812 except 35 Ill. Adm. Code 812.101, 812.103, 812.104, 812.105, and 812.116 shall be filed with the Agency.

b) Existing Units

All of the information required by 35 Ill. Adm. Code 812, except 35 Ill. Adm. Code 812.101, 812.103, 812.104, 812.105, and 812.116, that is applicable to an existing unit, as described in 35 Ill. Adm. Code 814, shall be filed with the Agency.

Section 815.204 Required Signatures

- a) All initial facility reports shall contain the name, address, and telephone number of a duly authorized agent to whom all inquiries and correspondence shall be addressed.
- b) All initial facility reports shall be signed by a duly authorized agent and shall be accompanied by evidence of authority to sign the report and shall be notarized.

SUBPART C: ANNUAL REPORTS

Section 815.301 Scope and Applicability

All landfills regulated under this Part shall file an annual report with the Agency. The first annual report shall be filed on the first of January that follows the year in which the initial facility report is filed, unless the Agency specifies in writing an alternative filing date no later than one year after the initial facility report has been filed.

Section 815.302 Reporting Period

Annual reports shall be filed during operation of the facility and for the entire postclosure monitoring period.

Section 815.303 Information to be Submitted

All annual reports shall contain the following information:

- a) A waste volume summary which includes:

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- 1) Total amount of solid waste accepted at the facility;
- 2) Remaining capacity in each unit; and
- 3) A copy of all identification reports required under 35 Ill. Adm. Code 811.404.

b) All raw monitoring data collected at the facility from the leachate collection system, groundwater monitoring network, and gas monitoring system, and in addition shall include:

- 1) Graphical results of monitoring efforts;
 - 2) Statistical summaries and analysis of trends in the collected data;
 - 3) Changes to the monitoring program; and
 - 4) Discussion of error analysis, detection limits, observed trends.
- c) Proposed activities for the year
- 1) Amount of waste expected in the next year;
 - 2) Structures to be built within the next year; and
 - 3) New monitoring stations to be installed within the next year.

d) A summary of all modifications including significant modifications made to the operations during the course of the year.

e) Signature of the operator or duly authorized agent.

SUBPART D: QUARTERLY GROUNDWATER REPORTS

Section 815.401 Scope and Applicability

All landfills regulated under this Part shall file all groundwater monitoring data with the Agency in accordance with the filing schedule of this Subpart, and file modifications, since the last quarterly report, to any list of background concentrations prepared in accordance with 35 Ill. Adm. Code 811.320(d)(1).

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Section 815.402 Filing Schedule

The reports shall be submitted to the Agency on a quarterly basis, in accordance with the following schedule:

- a) May 15 for activities in January, February and March;
- b) August 15 for activities during April, May and June;
- c) November 15 for activities during July, August and September; and
- d) February 15 for activities during October, November and December.

SUBPART E: INFORMATION TO BE RETAINED ON-SITE

Section 815.501 Scope and Applicability

All facilities exempt from permits pursuant to Section 21(d) of the Act shall retain, for Agency inspection, the information required to be collected by the operator pursuant to this Subpart, at the facility for the entire postclosure care period. If there is no active office for maintenance of records at the facility during the postclosure care period, then an alternate active operation site in the state, owned or operated by the same facility operator, may be specified. The Agency must be notified of the address and telephone number of the operator at the alternative facility where the information will be retained.

Section 815.502 Acceptance Reports

At the end of each major phase of construction, as determined by the operator, and prior to placing a structure into use, the construction quality assurance officer shall prepare an acceptance report in accordance with the requirements of 35 Ill. Adm. Code 811.505(d). All acceptance reports shall be retained at the site in accordance with this Subpart.

Section 815.503 Other Information

Information developed by the operator but not yet filed with the Agency in a quarterly or annual report shall be kept at or near the facility for inspection by the Agency upon request during normal working hours.

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1) Heading of the Part: PROCEDURAL REQUIREMENTS FOR PERMITTED LANDFILLS2) Code Citation: 35 Ill. Adm. Code 8133) Section Numbers: Adopted Action:

813.101	New Section
813.102	New Section
813.103	New Section
813.104	New Section
813.105	New Section
813.106	New Section
813.107	New Section
813.108	New Section
813.109	New Section
813.110	New Section
813.111	New Section
813.201	New Section
813.202	New Section
813.203	New Section
813.204	New Section
813.301	New Section
813.302	New Section
813.303	New Section
813.304	New Section
813.305	New Section
813.401	New Section
813.402	New Section
813.403	New Section
813.501	New Section
813.502	New Section
813.503	New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111^{1/2}, pars. 1005, 1021.1, 1022, 1022.17, 1027 and 1028.1).5) Effective Date of rules: September 18, 19906) Does this rulemaking contain an automatic repeal date? No.7) Do these rules contain incorporations by reference?

No. Section 810.104 contains all incorporations by reference for Parts 810 through 815 in a single location. However, this Part may cite to Section 810.104 references.

8) Date filed in Board's Principal Office: Order adopted August 17, 1990.

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9) Notice of Proposal Published in Illinois Register:

March 16, 1990, 14 Ill. Reg. 3882

10) Has JCAR issued a Statement of Objections to these rules? No.

JCAR issued its Certificate of No Objection on August 2, 1990.

11) Differences between proposal and final version:

The Board has corrected citation format in the adopted rules. The Board added language to Section 813.110(d) to clarify that the Board will consider Agency recommendations with regard to experimental practices. The Board revised Section 813.110(d)(2) to stipulate if the petition and the Agency recommendation are not in conflict and reworded subsection (f)(1)(A) for clarity. The Board added language to Section 813.111(c) to explicitly require a demonstration that the model chosen is appropriate for the site conditions. The Board clarified Section 813.201(b)(1)(C) and added a citation to Sections 813.401(b) and 813.501(c)(5). Added language at Section 813.501(c)(1) makes clear that waste volumes and landfill capacities are to be given in the customary volumetric measures, and the change in subsection (c)(4) requires disclosure of any modification or significant modification in the annual report. The language added to Section 813.503 provides for an alternative location for records retention under certain specified circumstances.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these rules replace emergency rules currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and Purpose of rules:

A complete description is contained in the Board's Opinion of August 17, 1990 in R88-7, which Opinion is available from the address below. In summary, the Board has adopted sweeping amendments to its existing regulations for the design and operation of new and existing landfills, including all municipal and industrial landfills. The Parts affected in docket R88-7 are 35 Ill. Adm. Code 807, 810, 811, 812, 813, 814, and 815, which all appear in this issue.

Part 813 sets forth procedural requirements applicable to permitted landfills. These rules set forth, inter alia, standards for permit issuance and denial, deadlines for administrative decisionmaking, the term of permits, procedures for modification of landfills, permit

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renewal provisions, reporting requirements, and requirements for initiation and termination of closure and post-closure care.

16) Information and questions regarding these adopted rules shall be directed to:

Kathleen Crowley
Senior Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6929

The full text of the adopted rules begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER I: SOLID WASTE AND SPECIAL WASTE HAULING

PART 813

PROCEDURAL REQUIREMENTS FOR PERMITTED LANDFILLS

SUBPART A: GENERAL PROCEDURES

Section
813.101
813.102
813.103
813.104
813.105
813.106
813.107
813.108
813.109
813.110
813.111

Scope and Applicability
Delivery of Permit Application
Agency Decision Deadlines
Standards for Issuance of a Permit
Standards for Denial of a Permit
Permit Appeals
Permit No Defense
Term of Permit
Transfer of Permits
Adjusted Standards to Engage in Experimental Practices
Agency Review of Contaminant Transport Models

SUBPART B: ADDITIONAL PROCEDURES FOR MODIFICATION AND SIGNIFICANT MODIFICATION OF PERMITS

Section
813.201
813.202

Initiation of a Modification or Significant Modification
Information Required for a Significant Modification of an Approved Permit

813.203
813.204

Specific Information Required for a Significant Modification to Obtain Operating Authorization
Procedures for a Significant Modification of an Approved Permit

SUBPART C: ADDITIONAL PROCEDURES FOR THE RENEWAL OF PERMITS

Section
813.301
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813.305

Time of Filing
Effect of Timely Filing
Information Required for a Permit Renewal
Updated Groundwater Impact Assessment
Procedures for Permit Renewal

SUBPART D: ADDITIONAL PROCEDURES FOR INITIATION AND TERMINATION OF TEMPORARY AND PERMANENT CLOSURE AND POSTCLOSURE CARE

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813.401
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Agency Notification Requirements
Certification of Closure
Termination of the Permit

SUBPART E: REPORTS TO BE FILED WITH THE AGENCY

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Section
813.501
813.502
813.503

Annual Reports
Quarterly Groundwater Reports
Information to be Retained at or near the Waste Disposal Facility

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 1114, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1028.1 and 1027).

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15814, effective September 18, 1990

NOTE: Capitalization indicates statutory language.

SUBPART A: GENERAL PROCEDURES

Section 813.101 Scope and Applicability

a) This Subpart contains the procedures to be followed by all applicants and the Agency for applications for permits required pursuant to Section 21(d) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1989, ch. 1114, par. 1021(d)) and 35 Ill. Adm. Code 811, 812, and 814. The procedures in this Part apply to applications to issue a permit to develop and operate a landfill, to modify a permit, to renew an expired permit, and to conduct an experimental practice.

b) All general provisions of 35 Ill. Adm. Code 810 apply to this Part.

Section 813.102 Delivery of Permit Application

All permit applications shall be made on such forms as are prescribed by the Agency, and shall be mailed or delivered to the address designated by the Agency on the forms. The Agency shall provide a dated, signed receipt upon request. The Agency's record of the date of filing shall be deemed conclusive unless a contrary date is proven by a dated, signed receipt.

Section 813.103 Agency Decision Deadlines

a) IF THERE IS NO FINAL ACTION BY THE AGENCY WITHIN 90 DAYS AFTER THE FILING OF THE APPLICATION FOR PERMIT, THE APPLICANT MAY DEEM THE PERMIT ISSUED; EXCEPT THAT THIS TIME PERIOD SHALL BE EXTENDED TO 180 DAYS WHEN:

- 1) NOTICE AND OPPORTUNITY FOR PUBLIC HEARING ARE REQUIRED BY STATE OR FEDERAL LAW OR REGULATION, OR

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- 2) THE APPLICATION WHICH WAS FILED IS FOR ANY PERMIT TO DEVELOP A LANDFILL. (Section 39 of the Act)

b) An application for permit pursuant to this Subpart shall not be deemed to be filed until the Agency has received all information and documentation in the form and with the content required by this Part and 35 Ill. Adm. Code 811, 812, and 814. However, if, pursuant to the standards of Section 813.105, the Agency fails to notify the applicant within 30 days after the filing of a purported application that the application is incomplete and the reason the Agency deems it incomplete, the application shall be deemed to have been filed as of the date of such purported filing as calculated pursuant to Section 813.102. The applicant may treat the Agency's notification that an application is incomplete as a denial of the application for the purposes of review pursuant to Section 813.106.

c) The applicant may waive the right to a final decision in writing prior to the applicable deadline in subsection (a).

d) The applicant may modify a permit application at any time prior to the Agency decision deadline date. Any modification of a permit application that would otherwise be considered a significant modification of an approved permit shall constitute a new application for the purposes of calculating the Agency decision deadline date.

e) The Agency shall mail all notices of final action by registered or certified mail, post marked with a date stamp and with return receipt requested. Final action shall be deemed to have taken place on the post marked date that such notice is mailed.

Section 813.104 Standards for Issuance of a Permit

a) THE AGENCY SHALL ISSUE A PERMIT UPON PROOF THAT THE FACILITY, UNIT, OR EQUIPMENT WILL NOT CAUSE A VIOLATION OF THIS ACT OR OF BOARD REGULATIONS SET FORTH IN 35 ILL. ADM. CODE: CHAPTER I.

b) IN GRANTING PERMITS, THE AGENCY SHALL IMPOSE SUCH CONDITIONS AS MAY BE NECESSARY TO ACCOMPLISH THE PURPOSES OF THIS ACT, AND AS ARE NOT INCONSISTENT WITH BOARD REGULATIONS SET FORTH IN 35 ILL. ADM. CODE: CHAPTER I.

c) EXCEPT FOR THOSE FACILITIES OWNED OR OPERATED BY SANITARY DISTRICTS ORGANIZED UNDER "AN ACT TO CREATE SANITARY DISTRICTS AND TO REMOVE OBSTRUCTIONS IN THE DES PLAINES AND ILLINOIS RIVERS", APPROVED MAY 29, 1889, AS NOW OR HEREFTER AMENDED (Ill. Rev.

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Stat. 1989, ch. 42, par. 320 et seq.), NO PERMIT FOR THE DEVELOPMENT OR CONSTRUCTION OF A NEW REGIONAL POLLUTION CONTROL FACILITY MAY BE GRANTED BY THE AGENCY UNLESS THE APPLICANT SUBMITS PROOF TO THE AGENCY THAT THE LOCATION OF SAID FACILITY HAS BEEN APPROVED BY THE COUNTY BOARD OF THE COUNTY IF IN AN UNINCORPORATED AREA, OR THE GOVERNING BODY OF THE MUNICIPALITY WHEN IN AN INCORPORATED AREA IN WHICH THE FACILITY IS TO BE LOCATED IN ACCORDANCE WITH SECTION 39.2 OF THE ACT.

d) NO PERMIT SHALL BE ISSUED BY THE AGENCY FOR DEVELOPMENT OR OPERATION OF ANY FACILITY OR SITE LOCATED WITHIN THE BOUNDARIES OF ANY SETBACK ZONE ESTABLISHED PURSUANT TO THE ACT IN WHICH SUCH DEVELOPMENT OR OPERATION IS PROHIBITED. (Section 39 of the Act)

Section 813.105 Standards for Denial of a Permit

IF THE AGENCY DENIES ANY PERMIT UNDER THIS SECTION, THE AGENCY SHALL TRANSMIT TO THE APPLICANT WITHIN THE TIME LIMITATIONS OF SECTION 813.103 SPECIFIC, DETAILED STATEMENTS AS TO THE REASONS THE PERMIT APPLICATION WAS DENIED. SUCH A STATEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

- a) THE SECTIONS OF THE ACT WHICH MAY BE VIOLATED IF THE PERMIT WERE GRANTED;
- b) THE PROVISION OF THE REGULATIONS SET FORTH IN 35 ILL. ADM. CODE: CHAPTER I PROMULGATED UNDER THE ACT, WHICH MAY BE VIOLATED IF THE PERMIT WERE GRANTED;
- c) THE SPECIFIC TYPE OF INFORMATION, IF ANY, WHICH THE AGENCY DEEMS THE APPLICANT DID NOT PROVIDE THE AGENCY; AND
- d) A STATEMENT OF SPECIFIC REASONS WHY THE ACT AND BOARD REGULATIONS SET FORTH IN 35 ILL. ADM. CODE: CHAPTER I MIGHT NOT BE MET IF THE PERMIT WERE GRANTED. (Section 39 of the Act)

Section 813.106 Permit Appeals

a) IF THE AGENCY REFUSES TO GRANT OR GRANTS WITH CONDITIONS A PERMIT THE APPLICANT MAY, WITHIN 35 DAYS, PETITION FOR A HEARING BEFORE THE BOARD TO CONTEST THE DECISION OF THE AGENCY. (Section 40(a)(1) of the Act) The petition shall be filed, and the proceeding conducted, pursuant to the procedures of Section 40 of the Act and 35 Ill. Adm. Code 105.

b) Any Agency action to deny a permit or to grant a permit with conditions will not be deemed final for the purposes of appeal if the applicant has requested Agency reconsideration of that action prior to the filing of a petition pursuant to this Section.

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Section 813.107 Permit No Defense

The issuance and possession of a permit shall not constitute a defense to a violation of the Act or any Board regulations set forth in 35 Ill. Adm. Code: Chapter I except for the development and operation of a landfill without a permit.

Section 813.108 Term of Permit

- a) No permit issued pursuant to this Part shall have a term of more than five years.

- b) A DEVELOPMENT PERMIT ISSUED UNDER SUBSECTION (A) OF SECTION 39 FOR ANY FACILITY OR SITE WHICH IS REQUIRED TO HAVE A PERMIT UNDER SUBSECTION (D) OF SECTION 21 SHALL EXPIRE AT THE END OF TWO CALENDAR YEARS FROM THE DATE UPON WHICH IT WAS ISSUED, UNLESS WITHIN THAT PERIOD THE APPLICANT HAS TAKEN ACTION TO DEVELOP THE FACILITY OR THE SITE. IN THE EVENT THAT REVIEW OF THE CONDITIONS OF THE DEVELOPMENT PERMIT IS SOUGHT PURSUANT TO SECTIONS 40 OR 41, OR THE PERMITTEE IS PREVENTED FROM COMMENCING DEVELOPMENT OF THE FACILITY OR SITE BY ANY OTHER LITIGATION BEYOND THE PERMITTEE'S CONTROL, SUCH TWO-YEAR PERIOD SHALL BE DEEMED TO BEGIN ON THE DATE UPON WHICH SUCH REVIEW PROCESS OR LITIGATION IS CONCLUDED. (Section 39(c) of the Act)

Section 813.109 Transfer of Permits

No permit is transferable from one person to another except as approved by the Agency. Approval shall be granted only if a new operator seeking transfer of a permit can demonstrate the ability to comply with all applicable financial requirements of Section 21.1 of the Act and 35 Ill. Adm. Code 811.Subpart G.

Section 813.110 Adjusted Standards to Engage in Experimental Practices

- a) Experimental practices are design, construction, and operation methods and techniques which are not expressly authorized by, and whose employment cannot be demonstrated by the applicant to be in compliance with, 35 Ill. Adm. Code 811, 812, and 814. Experimental practices may be implemented only at permitted landfills.
- b) Pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code 106.Subpart G, any person may, at any time, petition the Board for an adjusted standard to any standard in 35 Ill. Adm. Code 811, 812, or 814 in order to engage in an experimental practice at a permitted landfill in accordance with the requirements of this Section.

c)

The petition for adjusted standard shall contain the following information in addition to that required by 35 Ill. Adm. Code 106.Subpart G. However, if the applicant believes that any of the information required by this Section is inapplicable, the applicant may so state provided that the petition contains an explanation of the inapplicability.

- 1) A narrative description of the experiment, describing the necessity of this experiment and an assessment of the expected outcome of this experiment;
 - 2) A list of all standards in 35 Ill. Adm. Code 811 that must be adjusted in order to conduct the experiment and a reason why each standard must be adjusted;
 - 3) A description of the monitoring program (see 35 Ill. Adm. Code 811) to be implemented during the experiment;
 - 4) Criteria for evaluating the experimental practice. The criteria shall be specific enough to allow the Agency to evaluate the performance of the experimental practice from the monitoring results pursuant to subsection (f)(1);
 - 5) A description of the methods to be implemented and the total costs to restore the facility to compliance with all standards in 35 Ill. Adm. Code 811, 812, or 814 if the experiment is determined to be a failure. The methods must be feasible with existing methods in use; and
 - 6) The time period requested in which to conduct the experiment and documentation to show that this is the shortest practical time period in which success or failure can be determined.
- The Board will review all petitions to conduct experimental practices submitted in accordance with subsection (b), Section 28.1 of the Act, or 35 Ill. Adm. Code 106.Subpart G and an Agency recommendation regarding the experimental practice under the following assumptions:
- 1) There is no way in which to conduct the experiment in compliance with all requirements of 35 Ill. Adm. Code 811, 812 or 814;
 - 2) The experiment will be conducted in as short a time as possible if the information submitted in the petition and the Agency recommendation are not in conflict;

d)

- 1) There is no way in which to conduct the experiment in compliance with all requirements of 35 Ill. Adm. Code 811, 812 or 814;
- 2) The experiment will be conducted in as short a time as possible if the information submitted in the petition and the Agency recommendation are not in conflict;

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3) A monitoring plan to evaluate the experiment will be implemented; and

4) The site of the experiment will be restored to meet all requirements of 35 Ill. Adm. Code 811, 812 or 814 should the experiment fail.

e) Implementation of the Experimental Practice

Upon approval of the experimental practice pursuant to subsection (d) by the Board, the operator shall file an application for significant modification of the permit with the Agency pursuant to Section 813.Subpart B. The application shall contain the following information:

1) Detailed designs of all items to be constructed for use during the experiment;

2) The monitoring plan to be implemented during the experiment;

3) A plan for decommissioning and closing the experiment;

4) A time schedule for constructing the necessary items and closing, removing and stabilizing the area upon completion of the experiment;

5) An emergency cleanup plan describing the methods to be used to restore the facility to compliance with all standards in 35 Ill. Adm. Code 811 if the experiment is unsuccessful;

6) Cost estimates and financial assurance (see 35 Ill. Adm. Code 811.Subpart G) in an amount equal to the costs

necessary to restore the facility to compliance with 35 Ill. Adm. Code: Chapter I.

f) Evaluation of Experimental Practice

1) After completion of the experiment all monitoring data shall be submitted to the Agency for evaluation of the experimental practice in accordance with the evaluation criteria included in the adjusted standard petition in accordance with subsection (c)(4). The Agency shall determine if the experimental practice is acceptable for implementation pursuant to Section 39 of the Act, and the following additional criteria:

A) An experimental practice shall be considered

acceptable for implementation if the monitoring results meet or exceed the evaluation criteria included in the adjusted standard petition in accordance with subsection (c)(4); and

B) If the experiment does not cause or contribute to a violation of the Act or 35 Ill. Adm. Code: Chapter I.

2) Upon completion of the experiment and an Agency determination that the experimental practice is acceptable for implementation, the Agency shall return the financial assurance instrument to the operator and, shall approve permit modifications allowing the operation of the experimental practice. If the experimental practice is determined to be unacceptable for implementation, then the Agency shall return the financial assurance instrument when the facility has been restored to comply with 35 Ill. Adm. Code: Chapter I.

Section 813.111 Agency Review of Contaminant Transport Models

a) At the request of any person, consistent with any resource limitations, the Agency may review a groundwater contaminant transport (GCT) model for acceptance. The person shall demonstrate that the model meets the minimum requirements of 35 Ill. Adm. Code 811.317(c)(1), (c)(2) and (c)(3).

b) The Agency may designate GCT models as acceptable for use by the applicant for a groundwater impact assessment. Such Agency designations shall be accompanied by limitations or conditions under which the model can or cannot be used. The applicant shall be relieved from demonstrating compliance with 35 Ill. Adm. Code 811.317(c)(1), (c)(2) and (c)(3) in a permit application if a model accepted by the Agency has been used.

c) An applicant using a model accepted by the Agency shall submit documentation in a permit application showing that the model used in the groundwater impact assessment was the same model previously reviewed and accepted by the Agency and shall demonstrate that the model is acceptable for use in the site specific hydrogeology of the proposed facility.

d) The requirements of this Section shall in no way require an applicant to utilize a model accepted by the Agency. If a model is utilized that has not been reviewed and accepted by the Agency then the applicant shall include in the permit application all of the documentation necessary to demonstrate compliance with 35 Ill. Adm. Code 811.317(c)(1), (c)(2), and (c)(3).

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SUBPART B: ADDITIONAL PROCEDURES FOR MODIFICATION AND
SIGNIFICANT MODIFICATION OF PERMITS

Section 813.201 Initiation of a Modification or Significant Modification

a) Operator Initiated Modification

A modification or significant modification to an approved permit shall be initiated at the request of an operator at any time after the permit is approved. The operator initiates a modification or significant modification by application to the Agency.

b) Agency Initiated Modification

1) The Agency may modify a permit under the following conditions:

- A) Discovery of a typographical or calculation error;
- B) Discovery that a determination or condition was based upon false or misleading information;
- C) An order of the Board issued in an action brought pursuant to Title VIII, IX or X of the Act; or
- D) Promulgation of new statutes or regulations affecting the permit.

2) Modifications initiated by the Agency shall not become effective until after 45 days of receipt by the operator, unless stayed during the pendency of an appeal to the Board. All other time periods and procedures in 813.203 shall apply. The operator may request the Agency to reconsider the modification, or may file a petition with the Board pursuant to Section 813.106. All other time periods and procedures in 813.203 shall apply.

Section 813.202 Information Required for a Significant Modification of an
Approved Permit

The applicant shall submit all information required by 35 Ill. Adm. Code 812 that will be changed from that in the original or most recent approved permit.

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Section 813.203 Specific Information Required for a Significant Modification
to Obtain Operating Authorization

Prior to placing into service any structure constructed at a landfill, pursuant to a construction quality assurance program in accordance with 35 Ill. Adm. Code 811-Subpart E., the applicant shall submit an acceptance report prepared in accordance with the requirements of 35 Ill. Adm. Code 811.505(d) in order to obtain an operating authorization issued by the Agency. The Agency shall issue operating authorizations as a permit condition pursuant to Section 39 of the Act and this Part.

Section 813.204 Procedures for a Significant Modification of an Approved
Permit

Applications for significant modifications shall be subject to all requirements and time schedules in Subpart A.

SUBPART C: ADDITIONAL PROCEDURES FOR THE RENEWAL OF PERMITS

Section 813.301 Time of Filing

An application for renewal of a permit shall be filed with the Agency at least 90 or 180 days, depending upon which Agency final action deadline applies pursuant to Section 39(a) of the Act, prior to the expiration date of the existing permit.

Section 813.302 Effect of Timely Filing

WHEN A PERMITTEE HAS MADE TIMELY AND SUFFICIENT APPLICATION FOR THE RENEWAL OF A PERMIT, THE EXISTING PERMIT SHALL CONTINUE IN FULL FORCE AND EFFECT UNTIL THE FINAL AGENCY DECISION ON THE APPLICATION HAS BEEN MADE AND ANY FINAL BOARD DECISION ON ANY APPEAL PURSUANT TO SECTION 40 HAS BEEN MADE UNLESS A LATER DATE IS FIXED BY ORDER OF A REVIEWING COURT. (Section 16(b) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1016(b))

Section 813.303 Information Required for a Permit Renewal

- a) The operator shall submit only that information required by 35 Ill. Adm. Code 812 that has changed since the last permit review by the Agency;
- b) The operator shall update the groundwater impact assessment in accordance with Section 813.304; and
- c) The operator shall provide a new cost estimate for closure and postclosure care pursuant to 35 Ill. Adm. Code 811-Subpart F based upon the operations expected to occur in the next permit term.

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Section 813.304 Updated Groundwater Impact Assessment

- a) The applicant shall conduct a new groundwater impact assessment in accordance with 35 Ill. Adm. Code 811.317 if any of the following changes in the facility or its operation will result in an increase in the probability of exceeding a groundwater standard beyond the zone of attenuation:

- 1) New or changed operating conditions;
 - 2) Changes in the design and operation of the liner and leachate collection system;
 - 3) Changes due to more accurate geological data;
 - 4) Changes due to modified groundwater conditions due to off-site activity;
 - 5) Changes due to leachate characteristics.
- b) If the operator certifies that the conditions applicable to the original assessment have not changed in such a way as to result in violation of groundwater standards pursuant to 35 Ill. Adm. Code 811.320, outside the zone of attenuation and no monitoring well shows concentrations of constituents in groundwater greater than such groundwater standards, then a new groundwater impact assessment need not be performed.

Section 813.305 Procedures for Permit Renewal

Applications for permit renewal shall be subject to all requirements and time schedules in Subpart A.

SUBPART D: ADDITIONAL PROCEDURES FOR INITIATION AND TERMINATION OF TEMPORARY AND PERMANENT CLOSURE AND POSTCLOSURE CARE

Section 813.401 Agency Notification Requirements

- a) The operator shall send to the Agency a notice of closure within 30 days after the date the final volume of waste is received.
- b) The operator shall notify the Agency within 30 days after any temporary suspension of waste acceptance. The operator must comply with the requirements included in a permitted closure plan in accordance with 35 Ill. Adm. Code 812.114(d) that are applicable during any such period.

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- c) Until closure has been completed, the operator shall maintain a copy of the closure plan at the site or at a definite location, specified in the permit, so as to be available during inspection of the site.

BOARD NOTE: 35 Ill. Adm. Code 807.Subpart E includes requirements for closure and temporary suspension and for closure and temporary suspension plans.

Section 813.402 Certification of Closure

- a) When closure of a unit is completed, the operator shall submit to the Agency:

- 1) Documentation concerning closure of the closed unit including plans or diagrams of the unit as closed and date closure was completed.
- 2) An affidavit by the operator and the seal of a professional engineer that the unit has been closed in accordance with the closure plan and all requirements of 35 Ill. Adm. Code 811.
- b) When the Agency determines, pursuant to the information received pursuant to subsection (a) and any Agency site inspection, that the unit has been closed in accordance with the specifications of the closure plan, and the closure requirements of this Part, the Agency shall:
 - 1) Issue a certificate of closure; and
 - 2) Specify the date the postclosure care period begins, based on the date that closure was completed.

Section 813.403 Termination of the Permit

- a) At the end of the postclosure care period the operator and a professional engineer shall certify that postclosure care is no longer necessary. The certification shall include the affidavit of the operator, the seal of a professional engineer and documentation demonstrating that, due to compliance with the requirements of 35 Ill. Adm. Code 811, 812 and 814:
- 1) Leachate removal is no longer necessary;
 - 2) Landfill gas collection is no longer necessary;

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- 3) Gas monitoring is no longer necessary;
 - 4) Groundwater monitoring is no longer necessary;
 - 5) The surface has stabilized sufficiently with respect to settling and erosion so that further stabilization measures, pursuant to the postclosure care plan, are no longer necessary;
 - 6) The facility does not constitute a threat of pollution to surface water; and
 - 7) The operator has completed all requirements of the postclosure plan.
- b) Within 90 days after receiving the certification required by subsection (a), the Agency shall notify the operator in writing that it is no longer required to maintain financial assurance for postclosure care of the site, unless the Agency determines, pursuant to the information received pursuant to subsection (a) and any Agency site inspection, that continued postclosure care is required pursuant to the postclosure care plan and this Part.
- c) If the operator is not required to give financial assurance, then within 90 days after receiving the certification required by subsection (a), the Agency shall notify the operator in writing that the permit is terminated, unless the Agency determines, pursuant to the information received pursuant to subsection (a) and any Agency site inspection, that continued postclosure care is required pursuant to the postclosure care plan and this Part.
- d) The operator may deem the Agency action pursuant to this Section as a denial or grant of permit with conditions for purposes of appeal pursuant to Section 40(d) of the Act and Subpart A.

SUBPART E: REPORTS TO BE FILED WITH THE AGENCY

Section 813.501 Annual Reports

- a) All permitted landfills shall submit annual reports to the Agency during operation and for the entire postclosure monitoring period. Such annual reports shall be filled each year by the first day of the month chosen and specified by the Agency in the permit.
- b) Agency Review of the Report
 - 1) The Agency shall conduct a review of the annual report to

POLLUTION CONTROL BOARD

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- determine compliance with the requirements of subsection (c) and either accept the contents as complete or request additional information within 45 days of receipt of the report.
- 2) If the Agency fails to respond within the required time period then the report shall be considered acceptable.
 - 3) The operator shall return the additional information to the Agency within 45 days of receipt of the request for additional information.
 - 4) The operator may deem any Agency request for information pursuant to this Section as a permit denial for purposes of appeal pursuant to Section 40 of the Act.
- c) All annual reports shall contain the following information:
- 1) A waste volume summary which includes:
 - A) Total volume of solid waste accepted at the facility in cubic meter (cubic yards) as measured at the gate;
 - B) Remaining solid waste capacity in each unit in cubic meter (cubic yard) as measured at the gate; and
 - C) A copy of all identification reports required under 35 Ill. Adm. Code 811.404.
 - 2) Monitoring data from the leachate collection system, groundwater monitoring network, gas monitoring system, and any other monitoring data which was specified in the operator's permit, including:
 - A) Graphical results of monitoring efforts;
 - B) Statistical summaries and analysis of trends;
 - C) Changes to the monitoring program; and
 - D) Discussion of error analysis, detection limits, and observed trends.
 - 3) Proposed activities for the year
 - A) Amount of waste expected in the next year;
 - B) Structures to be built within the next year; and

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- C) New monitoring stations to be installed within the next year.
- 4) Any modification or significant modification affecting the operation of a facility shall be included.
- 5) Signature of the operator or duly authorized agent as specified in 35 Ill. Adm. Code 815.102.

Section 813.502 Quarterly Groundwater Reports

All groundwater monitoring data shall be submitted to the Agency on a quarterly basis, in a form prescribed by the Agency, and in accordance with a schedule approved in the permit.

Section 813.503 Information to be Retained at or near the Waste Disposal Facility

Information developed by the operator but not yet forwarded to the Agency in a quarterly or annual report shall be kept at or near the facility for inspection by the Agency upon request during normal working hours. If there is no active office for maintenance of records at the facility during the postclosure care period, then an alternate active operation site in the state, owned or operated by the same facility operator, may be specified. The Agency must be notified of the address and telephone number of the operator at the alternative facility where the information will be retained.

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: SOLID WASTE
- 2) Code Citation: 35 Ill. Adm. Code 807
- 3) Section Numbers: Adopted Action:
807.105 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111½, pars. 1005, 1021.1, 1022 and 1027.
- 5) Effective Date of Amendments: September 18, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date filed in Board's Principal Office: Order adopted August 17, 1990.
- 9) Notice of Proposal Published in Illinois Register:
March 16, 1990, 14 Ill. Reg. 3902
- 10) Has JCARR issued a Statement of Objections to these rules? No.
JCARR issued its Certificate of No Objection on August 2, 1990.
- 11) Differences between proposal and final version:

The Board's Opinions of November 15, 1989 and August 17, 1990 contain discussion of the revisions from the proposed version and the adopted version of these amendments.

The Board effected no substantive revision to the amendments as proposed. The only change was to citation format and sentence structure.
- 12) Have all the changes agreed upon by the Board and JCARR been made as indicated in the agreement letter issued by JCARR? Yes.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other amendments pending on this Part? No.
- 15) Summary and Purpose of amendments:

A complete description is contained in the Board's Opinion of August 17,

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1990 in R88-7, which Opinion is available from the address below. In summary, the Board has adopted sweeping amendments to its existing regulations for the design and operation of new and existing landfills, including all municipal and industrial landfills. The Parts affected in docket R88-7 are 35 Ill. Adm. Code 807, 810, 811, 812, 813, 814, and 815, which all appear in this issue.

Part 807 states the applicability of this Part in relation to other Board solid waste rules.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Kathleen Crowley
Senior Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6929

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER I: SOLID WASTE AND SPECIAL WASTE HAULING

PART 807
SOLID WASTE

SUBPART A: GENERAL PROVISIONS

Section	Authority, Policy and Purposes
807.101	Repeals
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SUBPART B: SOLID WASTE PERMITS

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SUBPART C: SANITARY LANDFILLS

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Standard Requirements
Protection of Waters of the State
Application
Operating Records
Completion or Closure Requirements

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Closure Performance Standard
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Amendment of Closure Plan
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- Purpose, Scope and Applicability
Requirement to Obtain Financial Assurance
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Current Cost Estimate
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Mechanisms for Financial Assurance
Use of Multiple Financial Mechanisms
Use of Financial Mechanism for Multiple Sites
Trust Fund for Unrelated Sites
RCRA Financial Assurance
Trust Fund
Surety Bond Guaranteeing Payment
Surety Bond Guaranteeing Performance
Letter of Credit
Closure Insurance
Self-insurance for Non-commercial Sites

Appendix A
Illustration A

Financial Assurance Forms
Trust Agreement

Section 807.105
Relation to Other Rules

- a) Persons and facilities regulated pursuant to 35 Ill. Adm. Code 700 through 749 are not subject to the requirements of this Part or of 35 Ill. Adm. Code 811 through 815. However, if such a facility also contains one or more units used solely for the disposal of solid wastes, as defined in 35 Ill. Adm. Code 810.103, such units are subject to requirements of this Part and 35 Ill. Adm. Code 811 through 815.
- b) Persons and facilities subject to 35 Ill. Adm. Code 807, 809 or 811 through 815 may be subject to other applicable Parts of 35 Ill. Adm. Code: Chapter I based on the language of those other Parts. Specific examples of such applicability are provided as explained at 35 Ill. Adm. Code 700.102.
- c) The requirements of 35 Ill. Adm. Code 810 through 815 are intended to supersede the requirements of this Part. Persons and facilities regulated pursuant to 35 Ill. Adm. Code 810 through 815

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are not subject to the requirements of this Part. This Part does not apply to new units as defined in 35 Ill. Adm. Code 810.103.

(Source: Added at 14 Ill. Reg. 15832 , effective September 18, 1990)

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1) Heading of the Part: SOLID WASTE DISPOSAL: GENERAL PROVISIONS

2) Code Citation: 35 Ill. Adm. Code 810

3) Section Numbers: Adopted Action:

810.101 New Section

810.102 New Section

810.103 New Section

810.104 New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 $\frac{1}{2}$, pars. 1005, 1021.1, 1022, 1022.17 and 1027.

5) Effective Date of rules: September 18, 1990

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these rules contain incorporations by reference?

Yes. Section 810.104 incorporates a regulation of the United States Environmental Protection Agency and a standard or guideline of a nationally-recognized organization, pursuant to Ill. Rev. Stat. 1989, ch 127, par. 1006.02(a).

8) Date filed in Board's Principal Office: Order adopted August 17, 1990.

9) Notice of Proposal Published in Illinois Register:

March 16, 1990, 14 Ill. Reg. 3909

10) Has JCAR issued a Statement of Objections to these rules? No.

JCAR issued its Certificate of No Objection on August 2, 1990.

11) Differences between proposal and final version:

The Board's Opinions of November 15, 1989 and August 17, 1990 contain discussion of the revisions from the proposed versions of these rules.

The revisions are restricted to citation format, the order in which definitions appear in Section 810.103, and minor editorial corrections to the definitions and incorporations by reference. The Board added a Board Note to the definition of "new facility" or "new unit"; added definitions of "uppermost aquifer" and "bedrock"; and edited the definitions of "gas collection system," "inert waste," "perched watertable," "professional engineer," "professional land surveyor," "waste pile," "significant modification," and "zone of attenuation."

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- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these rules replace emergency rules currently in effect? No.
- 14) Are there any other amendments pending on this Part? No.
- 15) Summary and Purpose of rules:
A complete description is contained in the Board's Opinion of August 17, 1990 in R88-7, which Opinion is available from the address below. In summary, the Board has adopted sweeping amendments to its existing regulations for the design and operation of new and existing landfills, including all municipal and industrial landfills. The Parts affected in docket R88-7 are 35 Ill. Adm. Code 807, 810, 811, 812, 813, 814, and 815, which all appear in this issue.
- Part 810 supplies definitions and other general provisions applicable to other Parts in R88-7.
- Part 810 states the severability of Parts 811 through 815, set forth definitions applicable in Part 810 and throughout Parts 811 through 815, and set forth the materials incorporated by reference and cited in those Parts.
- 16) Information and questions regarding these adopted rules shall be directed to:

Kathleen Crowley
Senior Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6929

The full text of the adopted rules begins on the next page:

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 810
SOLID WASTE DISPOSAL: GENERAL PROVISIONS

Section
810.101 Scope and Applicability
810.102 Severability
810.103 Definitions
810.104 Incorporations by Reference

AUTHORITY: Implementing Sections 5, 21, 21.1, 22 and 22.17, and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111k, pars. 1005, 1021, 1021.1, 1022, 1022.17 and 1027).

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15838, effective September 18, 1990

NOTE: Capitalization indicates statutory language.

Section 810.101 Scope and Applicability

This Part applies to all solid waste disposal facilities regulated pursuant to 35 Ill. Adm. Code 811 through 815. This Part does not apply to hazardous waste management facilities regulated pursuant to 35 Ill. Adm. Code 700 through 750.

Section 810.102 Severability

If any provision of this Part or of 35 Ill. Adm. Code 811 through 815 or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of this Part or of 35 Ill. Adm. Code 811 through 815 as a whole or of any portion not adjudged invalid.

Section 810.103 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part shall be the same as that applied to the same words or terms in the Environmental Protection Act (Act) (Ill. Rev. Stat. 1989, ch. 111k, pars. 1001 et. seq.).

"Act" means the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111k, pars. 1001 et. seq.

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"AGENCY" IS THE ENVIRONMENTAL PROTECTION AGENCY ESTABLISHED BY THE ENVIRONMENTAL PROTECTION ACT. (Section 3.08 of the Act.)

"Admixtures" are chemicals added to earth materials to improve for a specific application the physical or chemical properties of the earth materials. Admixtures include, but are not limited to: lime, cement, bentonite and sodium silicate.

"Applicant" means the person, submitting an application to the Agency for a permit for a solid waste disposal facility.

"AQUIFER" MEANS SATURATED (WITH GROUNDWATER) SOILS AND GEOLOGIC MATERIALS WHICH ARE SUFFICIENTLY PERMEABLE TO READILY YIELD ECONOMICALLY USEFUL QUANTITIES OF WATER TO WELLS, SPRINGS, OR STREAMS UNDER ORDINARY HYDRAULIC GRADIENTS and whose boundaries can be identified and mapped from hydrogeologic data. (Section 3 of the Illinois Groundwater Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 7453).)

"Bedrock" means the solid rock formation immediately underlying any loose superficial material such as soil, alluvium or glacial drift.

"BOARD" IS THE POLLUTION CONTROL BOARD ESTABLISHED BY THE ACT. (Section 3.04 of the Act.)

"Borrow area" means an area from which earthen material is excavated for the purpose of constructing daily cover, final cover, a liner, a gas venting system, roadways or berms.

"Chemical waste" means a non-putrescible solid whose characteristics are such that any contaminated leachate is expected to be formed through chemical or physical processes, rather than biological processes, and no gas is expected to be formed as a result.

"Contaminated leachate" means any leachate whose constituent violate the standards of 35 Ill. Adm. Code 811.202.

"Design Period" means that length of time determined by the sum of the operating life of the solid waste landfill facility plus the postclosure care period necessary to stabilize the waste in the units.

"DISPOSAL" MEANS THE DISCHARGE, DEPOSIT, INJECTION, DUMPING, SPILLING, LEAKING OR PLACING OF ANY SOLID WASTE INTO OR ON ANY LAND OR WATER OR INTO ANY WELL SUCH THAT SOLID WASTE OR ANY CONSTITUENT OF THE SOLID WASTE MAY ENTER THE ENVIRONMENT BY BEING

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EMITTED INTO THE AIR OR DISCHARGED INTO ANY WATERS, INCLUDING GROUNDWATER. (Section 3.08 of the Act.) If the solid waste is accumulated and not confined or contained to prevent its entry into the environment, or there is no certain plan for its disposal elsewhere, such accumulation shall constitute disposal.

"Disturbed areas" means those areas within a facility that have been physically altered during waste disposal operations or during the construction of any part of the facility.

"Documentation" means items, in any tangible form, whether directly legible or legible with the aid of any machine or device, including but not limited to affidavits, certificates, deeds, leases, contracts or other binding agreements, licenses, permits, photographs, audio or video recordings, maps, geographic surveys, chemical and mathematical formulas or equations, mathematical and statistical calculations and assumptions, research papers, technical reports, technical designs and design drawings, stocks, bonds and financial records, that are used to support facts or hypotheses.

"Earth liners" means structures constructed from naturally occurring soil material that has been compacted to achieve a low permeability.

"Existing facility" or "Existing unit" means a facility or unit which is not defined in this Section as a new facility or a new unit.

"Facility" means a site and all equipment and fixtures on a site used to treat, store or dispose of solid or special wastes. A facility consists of an entire solid or special waste treatment, storage or disposal operation. All structures used in connection with or to facilitate the waste disposal operation shall be considered a part of the facility. A facility may include, but is not limited to, one or more solid waste disposal units, buildings, treatment systems, processing and storage operations, and monitoring stations.

"Field capacity" means that maximum moisture content of a waste, under field conditions of temperature and pressure, above which moisture is released by gravity drainage.

"Gas collection system" means a system of wells, trenches, pipes and other related ancillary structures such as manholes, compressor housing, and monitoring installations that collect and transports the gas produced in a putrescible waste disposal unit to one or more gas processing points. The flow of gas through

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such a system may be produced by naturally occurring gas pressure gradients or may be aided by an induced draft generated by mechanical means.

"Gas condensate" means the liquid formed as a landfill gas is cooled or compressed.

"Gas venting system" means a system of wells, trenches, pipes and other related structures that vents the gas produced in a putrescible waste disposal unit to the atmosphere.

"Geomembranes" means manufactured membrane liners and barriers of low permeability used to control the migration of fluids or gases.

"Geotextiles" are permeable manufactured materials used for purposes which include, but are not limited to, strengthening soil, providing a filter to prevent clogging of drains, collecting and draining liquids and gases beneath the ground surface.

"GROUNDWATER" MEANS UNDERGROUND WATER WHICH OCCURS WITHIN THE SATURATED ZONE AND WITHIN GEOLOGIC MATERIALS WHERE THE FLUID PRESSURE IN THE PORE SPACE IS EQUAL TO OR GREATER THAN ATMOSPHERIC PRESSURE. (Section 3 of the Illinois Groundwater Protection Act)

"Hydraulic barriers" means structures designed to prevent or control the seepage of water. Hydraulic barriers include, but are not limited to cutoff walls, slurry walls, grout curtains and liners.

"Inert waste" means any solid waste that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a contaminated leachate, as determined in accordance with Section 811.202(b). Such inert wastes shall include only non-biodegradable and non-putrescible solid wastes. Inert wastes may include, but are not limited to, bricks, masonry and concrete (cured for 60 days or more).

"Land application unit" means an area where wastes are agronomically spread over or disked into land or otherwise applied so as to become incorporated into the soil surface. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a land application unit is not a landfill; however, other Parts of 35 Ill. Adm. Code: Chapter I may apply, and may include the permitting requirements of 35 Ill. Adm. Code 309.

"Landfill" means a unit or part of a facility in or on which waste is placed and accumulated over time for disposal, and which is not a land application unit, a surface impoundment or an underground

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injection well. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, landfills include waste piles, as defined in this Section.

"Leachate" means liquid that has been or is in direct contact with a solid waste.

"Lift" means an accumulation of waste which is compacted into a unit and over which cover is placed.

"Malodor" means an odor caused by ONE OR MORE CONTAMINANT EMISSIONS INTO THE ATMOSPHERE FROM A FACILITY THAT IS IN SUFFICIENT QUANTITIES AND OF SUCH CHARACTERISTICS AND DURATION AS TO BE described as malodorous and which may be INJURIOUS TO HUMAN, PLANT, OR ANIMAL LIFE, TO HEALTH, OR TO PROPERTY, OR TO UNREASONABLY INTERFERE WITH THE ENJOYMENT OF LIFE OR PROPERTY. (Section 3.02 of the Act (defining "air pollution").)

"National Pollutant Discharge Elimination System" or "NPDES" means the program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements under the Clean Water Act (33 U.S.C. 1251 et seq.), Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309, Subpart A and 310.

"NPDES permit" means a permit issued under the NPDES program.

"New facility" or "New unit" means a solid waste landfill facility or a unit at a facility, if one or more of the following conditions apply:

It is a landfill or unit exempt from permit requirements pursuant to Section 21(d) of the Act that has not yet accepted any waste as of the effective date of this Part;

It is a landfill or unit not exempt from permit requirements pursuant to Section 21(d) of the Act that has no development or operating permit issued by the Agency pursuant to 35 Ill. Adm. Code 807 as of the effective date of this Part; or

It is a landfill with a unit whose maximum design capacity or lateral extent is increased after the effective date of this Part.

BOARD NOTE: A new unit located in an existing facility shall be considered a unit subject to 35 Ill. Adm. Code 814, which references applicable requirements of 35 Ill. Adm. Code 811.

"One hundred (100) year flood plain" means any land area which is

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subject to a one percent or greater chance of flooding in a given year from any source.

"One hundred (100) year, 24 hour precipitation event" means a precipitation event of 24 hour duration with a probable recurrence interval of once in 100 years.

"Operator" means the person responsible for the operation and maintenance of a solid waste disposal facility.

"Perched watertable" means an elevated watertable above a discontinuous saturated lens, resting on a low permeability (such as clay) layer within a high permeability (such as sand) formation.

"Permit area" means the entire horizontal and vertical region occupied by a permitted solid waste disposal facility.

"PERSON" IS ANY INDIVIDUAL, PARTNERSHIP, CO-PARTNERSHIP, FIRM, COMPANY, CORPORATION, ASSOCIATION, JOINT STOCK COMPANY, TRUST, ESTATE, POLITICAL SUBDIVISION, STATE AGENCY, OR ANY OTHER LEGAL ENTITY, OR THEIR LEGAL REPRESENTATIVE, AGENT OR ASSIGNS. (Section 3.26 of the Act.)

"Professional engineer" means a person who has registered and obtained a seal pursuant to "The Illinois Professional Engineering Act" (Ill. Rev. Stat. 1989, ch. 111, par. 5101 et seq.).

"Professional land surveyor" means a person who has received a certificate of registration and a seal pursuant to "The Land Surveyors Act" (Ill. Rev. Stat. 1989, ch. 111, par. 3201 et seq.).

"Putrescible waste" means a solid waste that contains organic matter capable of being decomposed by microorganisms so as to cause a malodor, gases, or other offensive conditions, or which is capable of providing food for birds and vectors. Putrescible wastes may form a contaminated leachate from microbiological degradation, chemical processes, and physical processes. Putrescible waste includes, but is not limited to, garbage, offal, dead animals, general household waste, and commercial waste. All solid wastes which do not meet the definitions of inert or chemical wastes shall be considered putrescible wastes.

"Publicly owned treatment works" or "POTW" means a treatment works that is owned by the State of Illinois or a unit of local government. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastewater. It also includes sewers, pipes

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and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the unit of local government which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

"Recharge zone" means an area through which water can enter an aquifer.

"Responsible charge," when used to refer to a person, means that the person is normally present at a waste disposal site; directs the day-to-day overall operation at the site; and either is the owner or operator or is employed by or under contract with the owner or operator to assure that the day-to-day operations at the site are carried out in compliance with any Part of 35 Ill. Adm. Code: Chapter I governing operations at waste disposal sites.

"Runoff" means water resulting from precipitation that flows overland before it enters a defined stream channel, any portion of such overland flow that infiltrates into the ground before it reaches the stream channel, and any precipitation that falls directly into a stream channel.

"Salvaging" means the return of waste materials to use, under the supervision of the landfill operator, so long as the activity is confined to an area remote from the operating face of the landfill, it does not interfere with or otherwise delay the operations of the landfill, and it results in the removal of all materials for salvaging from the landfill site daily or separates them by type and stores them in a manner that does not create a nuisance, harbor vectors or cause an unsightly appearance.

"Scavenging" means the removal of materials from a solid waste management facility or unit which is not salvaging.

"Seismic Slope Safety Factor" means the ratio between the resisting forces or moments in a slope and the driving forces or moments that may cause a massive slope failure during an earthquake or other seismic event such as an explosion.

"Settlement" means subsidence caused by waste loading, changes in groundwater level, chemical changes within the soil and adjacent operations involving excavation.

"Shredding" means the mechanical reduction in particle sizes of solid waste. Putrescible waste is considered shredded if 90 percent of the waste by dry weight passes a 3 inch sieve.

"Significant Modification" means a modification to an approved

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permit issued by the Agency in accordance with Section 39 of the Act and 35 Ill. Adm. Code 813 that is required when one or more of the following changes, considered significant when that change measured by one or more parameters whose values lie outside the expected operating range of values as specified in the permit, are planned, occur or will occur:

An increase in the capacity of the waste disposal unit over the permitted capacity;

Any change in the placement of daily, intermediate or final cover;

A decrease in performance, efficiency or longevity of the liner system;

A decrease in efficiency or performance of the leachate collection system;

A change in configuration, performance, or efficiency of the leachate management system;

A change in the final disposition of treated effluent or in the quality of the discharge from the leachate treatment or pretreatment system;

Installation of a gas management system, or a decrease in the efficiency or performance of an existing gas management system;

A change in the performance or operation of the surface water control system;

A decrease in the quality or quantity of data from any environmental monitoring system;

A change in the applicable background concentrations or the maximum allowable predicted concentrations;

A change in the design or configuration of the regraded area after development or after final closure;

A change in the amount or type of postclosure financial assurance;

Any change in the permit boundary;

A change in the postclosure land use of the property;

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A remedial action necessary to protect groundwater;

Transfer of the permit to a new operator;

Operating authorization is being sought to place into service a structure constructed pursuant to a construction quality assurance program; or

A change in any requirement set forth as a special condition in the permit.

"Sole source aquifer" means those aquifers designated pursuant to Section 1424(e) of the Safe Drinking Water Act of 1974, (42 U.S.C 300h-3).

"Solid Waste" means a waste that is defined in this Section as an inert waste, as a putrescible waste, as a chemical waste or as a special waste, and which is not also defined as a hazardous waste pursuant to 35 Ill. Adm. Code 721.

"SPECIAL WASTE" MEANS ANY INDUSTRIAL PROCESS WASTE, POLLUTION CONTROL WASTE OR HAZARDOUS WASTE, EXCEPT AS DETERMINED PURSUANT TO SECTION 22.9 OF THE ACT AND 35 Ill. Adm. Code 808. (Section 3.45 of the Act.)

"Static Safety Factor" means the ratio between resisting forces or moments in a slope and the driving forces or moments that may cause a massive slope failure.

"Surface impoundment" means a natural topographic depression, a man-made excavation, or a diked area into which flowing wastes, such as liquid wastes or wastes containing free liquids, are placed. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a surface impoundment is not a landfill. Other Parts of 35 Ill. Adm. Code: Chapter I may apply, including the permitting requirements of 35 Ill. Adm. Code 309.

"Twenty-five (25) year, 24 hour precipitation event" means a precipitation event of 24 hour duration with a probable recurrence interval of once in 25 years.

"Uppermost aquifer" means the first geologic formation above or below the bottom elevation of a constructed liner or wastes, where no liner is present, which is an aquifer, and includes any lower aquifer that is hydraulically connected with this aquifer within the facility's permit area.

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"Unit" means a contiguous area used for solid waste disposal.

"Unit of local government" means a unit of local government, as defined by Article 7, Section 1 of the Illinois Constitution. A unit of local government may include, but is not limited to, a municipality, a county, or a sanitary district.

"Waste pile" means an area on which non-containerized masses of solid, non flowing wastes are placed for disposal. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a waste pile is a landfill, unless the operator can demonstrate that the wastes are not accumulated over time for disposal. At a minimum, such demonstration shall include photographs, records or other observable or discernable information, maintained on a yearly basis, that show that within the preceding year the waste has been removed for utilization or disposed elsewhere.

"Waste stabilization" means any chemical, physical or thermal treatment of waste, either alone or in combination with biological processes, which results in a reduction of microorganisms, including viruses, and the potential for putrefaction.

"Working face" means any part of a landfill where waste is being disposed.

"Zone of attenuation" is the three dimensional region formed by excluding the volume occupied by the waste placement from the smaller of the volumes resulting from vertical planes drawn to the bottom of the uppermost aquifer at the property boundary or 100 feet from the edge of one or more adjacent units.

Section 810.104 Incorporations by Reference

- a) The Board incorporates the following material by reference:

40 CFR 141.40 (1988).

Auditing Standards--Current Text, August 1, 1990 Edition, available through the American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, NY 10036.

- b) This incorporation includes no later amendments or editions.

POLLUTION CONTROL BOARD

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- 1) Heading of the Part: STANDARDS FOR EXISTING LANDFILLS AND UNITS

- 2) Code Citation: 35 Ill. Adm. Code 814

- 3) Section Numbers: Adopted Action:

814.101	New Section
814.102	New Section
814.103	New Section
814.104	New Section
814.105	New Section
814.106	New Section
814.201	New Section
814.202	New Section
814.301	New Section
814.302	New Section
814.401	New Section
814.402	New Section
814.501	New Section
814.502	New Section

- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111^{1/2}, pars. 1005, 1021.1, 1022, 1022.17, 1027 and 1028.1.

- 5) Effective Date of rules: September 18, 1990

- 6) Does this rulemaking contain an automatic repeal date? No.

- 7) Do these rules contain incorporations by reference?

No. Section 810.104 contains all incorporations by reference for Parts 810 through 815 in a single location. However, this Part may cite to Section 810.104 references.

- 8) Date filed in Board's Principal Office: Order adopted August 17, 1990.

- 9) Notice of Proposal Published in Illinois Register:

March 16, 1990, 14 Ill. Reg. 3858

- 10) Has JCARR issued a Statement of Objections to these rules? No.

JCAR issued its Certificate of No Objection on August 2, 1990.

- 11) Differences between proposal and final version:

The Board has corrected citation format in the adopted rules. The Board further reworded Section 814.302(b)(2) for clarity.

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- 12) Have all the changes agreed upon by the Board and JCRR been made as indicated in the agreement letter issued by JCRR? Yes.
- 13) Will these rules replace emergency rules currently in effect? No.
- 14) Are there any other amendments pending on this Part? No.
- 15) Summary and Purpose of rules:
- A complete description is contained in the Board's Opinion of August 17, 1990 in R88-7, which Opinion is available from the address below. In summary, the Board has adopted sweeping amendments to its existing regulations for the design and operation of new and existing landfills, including all municipal and industrial landfills. The Parts affected in docket R88-7 are 35 Ill. Adm. Code 807, 810, 811, 812, 813, 814, and 815, which all appear in this issue.
- Part 814 sets forth standards for existing landfills, i.e. landfills not considered "new" pursuant to 35 Ill. Adm. Code 810.103. The rules include special provisions for landfills accepting inert wastes and those accepting chemical and putrescible wastes. The rules further include provisions that will require some facilities to close within two years.

- 16) Information and questions regarding these adopted rules shall be directed to:

Kathleen Crowley
Senior Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6929

The full text of the adopted rules begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER I: SOLID WASTE AND SPECIAL WASTE HAULING

PART 814

STANDARDS FOR EXISTING LANDFILLS AND UNITS

SUBPART A: GENERAL REQUIREMENTS

Section	
814.101	Scope and Applicability
814.102	Compliance Date
814.103	Notification to Agency
814.104	Applications for Significant Modification of Permits
814.105	Effect of Timely Filing of Notification and Application for Significant Modification
814.106	Agency Action on Applications for Significant Modifications to Existing Permits

SUBPART B: STANDARDS FOR UNITS ACCEPTING INERT WASTE

Section	
814.201	Scope and Applicability
814.202	Applicable Standards

SUBPART C: STANDARDS FOR EXISTING UNITS ACCEPTING CHEMICAL AND PUTRESCIBLE WASTES THAT MAY REMAIN OPEN FOR MORE THAN SEVEN YEARS

Section	
814.301	Scope and Applicability
814.302	Applicable Standards

SUBPART D: STANDARDS FOR EXISTING UNITS ACCEPTING CHEMICAL AND PUTRESCIBLE WASTES THAT MUST INITIATE CLOSURE WITHIN SEVEN YEARS

Section	
814.401	Scope and Applicability
814.402	Applicable Standards

SUBPART E: STANDARDS FOR EXISTING UNITS ACCEPTING INERT WASTE ONLY, OR ACCEPTING CHEMICAL AND PUTRESCIBLE WASTES THAT MUST INITIATE CLOSURE WITHIN TWO YEARS

Section	
814.501	Scope and Applicability
814.502	Standards for Operation and Closure

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1, and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1028.1 and 1027).

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15850, effective September 18, 1990

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NOTE: Capitalization indicates statutory language.

SUBPART A: GENERAL REQUIREMENTS

Section 814.101 Scope and Applicability

- a) This Part establishes the standards applicable to all existing landfill facilities, which includes facilities that are not considered to be new as defined at 35 Ill. Adm. Code 810.103. This Part establishes requirements for both new and existing disposal units within such existing landfill facilities. Landfill operators are required to determine the date on which their facilities must begin closure, which is dependent upon the ability of existing units to meet the design and performance standards contained in this Part.

- b) The requirements of Sections 814.104, 814.105 and 814.106 of this Subpart apply only to those landfill facilities identified as existing facilities in subsection (a) and which require an Agency issued permit.

- c) All general provisions of 35 Ill. Adm. Code 810 apply to this Part.

Section 814.102 Compliance Date

Unless otherwise expressly provided in Section 814.105, all landfills with existing units shall comply with the requirements of this Part within six months of the effective date of this Part.

Section 814.103 Notification to Agency

No later than six months after the effective date of this Part, all operators shall send notification to the Agency describing the facility, estimated date of closure of existing units, and whether the facility is subject to the requirements of Subpart B, Subpart C, Subpart D, or Subpart E.

Section 814.104 Applications for Significant Modification of Permits

- a) All operators of landfills permitted pursuant to Section 21(d) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1989, ch. 111½, par 1021(d)) shall file an application for a significant modification to their permits for existing units, unless the units will be closed pursuant to Subpart E within two years of the effective date of this Part.

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- b) The operator of an existing unit shall submit information required by 35 Ill. Adm. Code 812 to demonstrate compliance with Subpart B, Subpart C or Subpart D, whichever is applicable.

- c) The application shall be filed within 48 months of the effective date of this Part, or at such earlier time as the Agency shall specify in writing pursuant to 35 Ill. Adm. Code 807.209 or 813.201(b).

- d) The application shall be made pursuant to the procedures of 35 Ill. Adm. Code 813.

Section 814.105 Effect of Timely Filing of Notification and Application for Significant Modification

- a) Permits issued pursuant to 35 Ill. Adm. Code 807 prior to the effective date of this Part remain in full force and effect until superseded by a permit issued pursuant to this Part or until revoked as a result of an enforcement action brought pursuant to Title VIII of the Act.

- b) An operator who has timely filed a notification pursuant to Section 814.103 and an application for significant permit modification pursuant to Section 814.104 shall continue operation under the terms of its existing permits until final determination by the Agency on its application and any subsequent appeal to the Board pursuant to Section 40 of the Act. During this time, the operator will be deemed to be in compliance with all requirements of this Part.

Section 814.106 Agency Action on Applications for Significant Modifications to Existing Permits

The Agency shall review applications for significant modifications to existing permits in accordance with the requirements and procedures of 35 Ill. Adm. Code 813.

SUBPART B: STANDARDS FOR UNITS ACCEPTING INERT WASTE

Section 814.201 Scope and Applicability

- a) The standards in this Subpart are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21(d) of the Act, that have accepted or accept only inert waste. Based on an evaluation of the information submitted pursuant to Subpart A and any Agency site

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inspection, units that meet the requirements of this Subpart may remain open for an indefinite period of time after the effective date of this Part.

- b) Based on an evaluation of the information submitted pursuant to Subpart A and any Agency site inspection, units which are unable to comply with the requirements of this Subpart are subject to the requirements of Subpart D.

Section 814.202 Applicable Standards

Units which accept only inert waste shall be subject to all of the requirements of 35 Ill. Adm. Code 811.Subparts A and B.

SUBPART C: STANDARDS FOR EXISTING UNITS ACCEPTING CHEMICAL AND PUTRESCIBLE WASTES THAT MAY REMAIN OPEN FOR MORE THAN SEVEN YEARS

Section 814.301 Scope and Applicability

- a) The standards in this Subpart are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21 (d) of the Act, that have accepted or accept chemical and putrescible wastes. Based on an evaluation of the information submitted pursuant to Subpart A and any Agency site inspection, units that meet the requirements of this Subpart may remain open for an indefinite period of time beyond seven years after the effective date of this Part.

- b) Based on an evaluation of the information submitted pursuant to Subpart A and any Agency site inspection, units which are unable to comply with the requirements of this Subpart are subject to the requirements of Subpart D or Subpart E.

Section 814.302 Applicable Standards

- a) All of the requirements for new units described in 35 Ill. Adm. Code 811 shall apply to units regulated under this Subpart except the following:

- 1) The location standards in 35 Ill. Adm. Code 811.302(a), (d), and (e);
- 2) The foundation and mass stability analysis standards in 35 Ill. Adm. Code 811.304 and 811.305;
- 3) The final cover requirements of 35 Ill. Adm Code 811.314 shall not apply to units or parts of units closed, covered

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and vegetated prior to the effective date of this Part.

- 4) The liner and leachate drainage and collection requirements of 35 Ill. Adm. Code 811.306, 811.307, and 811.308; and
- 5) The hydrogeological site investigation requirements of 35 Ill. Adm. Code 811.315, except that information shall be collected to implement a groundwater monitoring program in accordance with 35 Ill. Adm. Code 811.318 and 811.319 and establish background concentrations for the purpose of establishing water quality standards pursuant to 35 Ill. Adm. Code 811.320; and

- b) Units regulated under this Subpart shall be subject to the following standards:

- 1) The unit must be equipped with a system which will effectively drain and collect leachate and transport it to a leachate management system;
- 2) The operator shall provide a long-term static safety factor of at least 1.5 to protect a completed unit against slope failure;
- 3) Calculation of the Design Period
For the purposes of calculating financial assurance the design period shall be calculated as follows:

- A) The design period shall be no less than the operating life of the landfill plus fifteen years of postclosure care;
- B) The postclosure care period shall be extended by three years for each year the unit is expected to be in operation up to the applicable design period required by 35 Ill. Adm. Code 811 (For example, an existing unit with expected operating lives of three, seven or 12 years after the effective date of this Part would be required to provide financial assurance during operation and for a postclosure care period of either 15 years since 3 x 3 = 9 years is less than the 15 year minimum specified in subsection (b)(3)(A); 21 years since 3 x 7 = 21 years; or 30 years since 3 x 13 = 39 years is greater than the 30 years specified in Section 811.303(a), respectively); and
- C) The design period may not be reduced as allowed by 35

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Ill. Adm. Code 811.303(b) and (c).

SUBPART D: STANDARDS FOR EXISTING UNITS ACCEPTING CHEMICAL AND PUTRESCIBLE WASTES THAT MUST INITIATE CLOSURE WITHIN SEVEN YEARS

Section 814.401 Scope and Applicability

- a) The standards in this Subpart are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21(d) of the Act, that have accepted or accept chemical and putrescible wastes. Based on an evaluation of the information submitted pursuant to Subpart A and any Agency site inspection, units that meet the requirements of this Subpart shall initiate closure between two and seven years after the effective date of this Part.
- b) Based on an evaluation of the information submitted pursuant to Subpart A and any Agency site inspection, units which are unable to comply with the requirements of this Section are subject to the requirements of Subpart E.

Section 814.402 Applicable Standards

- a) All of the requirements for new units described in 35 Ill. Adm. Code 811 shall apply to units regulated under this Subpart except the following:
 - 1) The location standards in 35 Ill. Adm. Code 811.302(a), (c), (d), and (e);
 - 2) The foundation and mass stability analysis standards in 35 Ill. Adm. Code 811.304 and 811.305;
 - 3) The liner and leachate drainage and collection requirements of 35 Ill. Adm. Code 811.306, 811.307, and 811.308;
 - 4) The final cover requirements of 35 Ill. Adm. Code 811.314 shall not apply to units or parts of units closed, covered and vegetated prior to the effective date of this Part;
 - 5) The hydrogeological site investigation requirements of 35 Ill. Adm. Code 811.315;
 - 6) The groundwater impact assessment standards of 35 Ill. Adm. Code 811.317;
 - 7) The groundwater monitoring program requirements of 35 Ill.

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Adm. Code 811.318(c); and

- 8) The groundwater quality standards of 35 Ill. Adm. Code 811.320(a), (b) and (c).

b) The following standards shall apply to units regulated under this Subpart:

- 1) No new units shall be opened and an existing unit may not expand beyond the area included in a permit prior to the effective date of this Part or, in the case of permit exempt facilities, beyond the area needed for landfilling to continue until closure is initiated.
- 2) After the effective date of this Part, the unit may not apply for supplemental wastewater permits to accept new special wastes. However, the unit may continue to accept special waste under permits existing prior to the effective date of this Part and may renew those permits as necessary.
- 3) Groundwater Standards

A unit shall not contaminate a source of drinking water at the compliance boundary, defined as any point on the edge of the unit at or below the ground surface. At any point on the compliance boundary, the concentration of constituents shall not exceed the water quality standards specified in 35 Ill. Adm. Code 302.301, 302.303, 302.304, and 302.305. The Board may provide for a zone of attenuation and adjust the compliance boundary in accordance with Section 28.1 of the Act and the procedures of 35 Ill. Adm. Code 106.Subpart G upon petition demonstration by the operator that the alternative compliance boundary will not result in contamination of groundwater which may be needed or used for human consumption. In reviewing such petitions, the Board will consider the following factors:

 - A) The hydrogeological characteristics of the unit and surrounding land, including any natural attenuation and dilution characteristics of the aquifer;
 - B) The volume and physical and chemical characteristics of the leachate;
 - C) The quantity, quality, and direction of flow of groundwater underlying the facility;
 - D) The proximity and withdrawal rates of groundwater

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users;

- E) The availability of alternative drinking water supplies;
 - F) The existing quality of the groundwater, including other sources of contamination and their cumulative impacts on the groundwater;
 - G) Public health, safety, and welfare effects; and
 - H) In no case shall the zone of compliance extend beyond the facility property line or beyond the annual high water mark of any navigable surface water.
- 4) Calculation of the Design Period

For the purposes of calculating financial assurance the design period shall be calculated as follows:

- A) The design period shall be no less than five years; and
- B) The postclosure care period shall be extended by three years for each year the unit is expected to be in operation up to the applicable design period required by 35 Ill. Adm. Code 811. (For example, an existing unit with an expected life of three years after the effective date of this part would be required to provide financial assurance for nine years of postclosure care, $9 = 3 \times 3$.)
- C) The design period may not be reduced as allowed by 35 Ill. Adm. Code 811.303(b) and (c).

SUBPART E: STANDARDS FOR EXISTING UNITS ACCEPTING INERT WASTE ONLY, OR ACCEPTING CHEMICAL AND PUTRESCIBLE WASTES THAT MUST INITIATE CLOSURE WITHIN TWO YEARS

Section 814.501 Scope and Applicability

- a) The standards in this Subpart are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21(d) of the Act, that accept inert waste only, or which accept chemical and putrescible wastes.
- b) All units that cannot demonstrate compliance with the requirements

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of Subpart B or Subpart C or are scheduled to begin closure within two years of the effective date of this Part must begin closure within two years of the effective date of this Part.

- c) A new permit shall not be required for any facility at which all units will close within two years of the effective date of this Part.

Section 814.502 Standards for Operation and Closure

- a) All units regulated in this Subpart are subject to all requirements in 35 Ill. Adm. Code 807.
- b) All units regulated under this Subpart are subject to all conditions of the existing permit.

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1) Heading of the Part: STANDARDS FOR NEW SOLID WASTE LANDFILLS2) Code Citation: 35 Ill. Adm. Code 8113) Section Numbers: Adopted Action:

811.101	New Section
811.102	New Section
811.103	New Section
811.104	New Section
811.105	New Section
811.106	New Section
811.107	New Section
811.108	New Section
811.109	New Section
811.110	New Section
811.111	New Section
811.201	New Section
811.202	New Section
811.203	New Section
811.204	New Section
811.205	New Section
811.206	New Section
811.207	New Section
811.301	New Section
811.302	New Section
811.303	New Section
811.304	New Section
811.305	New Section
811.306	New Section
811.307	New Section
811.308	New Section
811.309	New Section
811.310	New Section
811.311	New Section
811.312	New Section
811.313	New Section
811.314	New Section
811.315	New Section
811.316	New Section
811.317	New Section
811.318	New Section
811.319	New Section
811.320	New Section
811.321	New Section
811.322	New Section
811.323	New Section
811.401	New Section

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811.402	New Section	
811.403	New Section	
811.404	New Section	
811.405	New Section	
811.406	New Section	
811.501	New Section	
811.502	New Section	
811.503	New Section	
811.504	New Section	
811.505	New Section	
811.506	New Section	
811.507	New Section	
811.508	New Section	
811.509	New Section	
811.700	New Section	
811.701	New Section	
811.702	New Section	
811.703	New Section	
811.704	New Section	
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811.706	New Section	
811.707	New Section	
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811.709	New Section	
811.710	New Section	
811.711	New Section	
811.712	New Section	
811.713	New Section	
811.714	New Section	
811.715	New Section	
811.Appendix A, Illustration A	New Section	New Section
811.Appendix A, Illustration B	New Section	New Section
811.Appendix A, Illustration C	New Section	New Section
811.Appendix A, Illustration D	New Section	New Section
811.Appendix A, Illustration E	New Section	New Section
811.Appendix A, Illustration F	New Section	New Section
811.Appendix A, Illustration G	New Section	New Section
811.Appendix A, Illustration H	New Section	New Section
811.Appendix A, Illustration I	New Section	New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111½, pars. 1005, 1021.1, 1022, 1022.17, 1027 and 1028.1.5) Effective Date of rules: September 18, 19906) Does this rulemaking contain an automatic repeal date? No.7) Do these rules contain incorporations by reference? No.

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Section 810.104 contains all incorporations by reference for Parts 810 through 815 in a single location. However, this Part may cite to Section 810.104 references.

8) Date filed in Board's Principal Office: Order adopted August 17, 1990.

9) Notice of Proposal Published in Illinois Register:

March 16, 1990, 14 Ill. Reg. 3923

10) Has JCAR issued a Statement of Objections to these rules? No.

JCAR issued its Certificate of No Objection on August 2, 1990.

11) Differences between proposal and final version:

The Board's Opinions of November 15, 1989 and August 17, 1990 contain detailed discussion of the revisions from the proposed version of these rules.

In summary, the Board has made several minor clarifying and editorial revisions. The Board changed several citations formats. The Board also reworded several passages for enhanced clarity and otherwise clarified numerous requirements. The Board revised a small number of requirements.

Section 811.101(b) now clarifies that Part 807 applies to the landfills excluded under that subsection. Section 811.102(b) now lists examples of alternative storage capacity. Section 811.103 was reworded for clarity. Section 811.105 authorizes the Agency to permit alternative waste placement under certain specified circumstances. The Board added definition to the meaning of "mass stability" in Section 811.107(a)(1) and specifically referenced buildup to final grade in subsection (a)(3). Section 811.111(c)(2) and (c)(5) now respectively specify the depth of gullies and crevices and the area of reworked areas contemplated by the rules. Section 811.202 now contemplates use of food processing water standards for monitoring and explicitly places on the owner or operator the analytical burden for each constituent for which a numerical standard exists and use of representative samples of leachate. Section 811.206, relating to leachate sampling, and Section 811.207, relating to load checking, have been added. Section 811.304(c), (d), and (e) were reworded for clarity. The Board has revised Section 811.306(d)(3) to make clear that the construction and compaction are according to Subpart E and altered subsection (d)(5), relating to alternative compacted earth liner standards.

Section 811.309(d)(5) now explicitly prohibits use of the leachate

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collection and drainage system for leachate storage, subsection (e)(6) requires specified storage capacity for the leachate, subsection (f)(6) requires daily cover sufficiently permeable or the placement of cover to prevent leachate retention, and subsections (g)(2)(C) and (g)(3)(D) now clearly indicate that the indicator constituents are selected in accordance with Section 811.319(a)(2)(B).

Section 811.310 as adopted requires submission of a list of air toxics for monitoring as part of the permit and authorizes the Agency to select air toxics for monitoring, and subsection (d)(3) was reworded for clarity. Section 811.311(a)(1) and (a)(2) were reworded for clarity, and subsection (c) now clarifies that it is the gas conveying portion of the monitoring system that must be air tight. Section 811.312(e) and (f)(2) requires that gas combustion units must comply with any air new source performance standards and the conditions of any air permit issued by the Agency.

Section 811.315(b)(1) requires submission of hydrogeologic site data prior to submission of an application for a permit, subsection (b)(2) was reworded for clarity, subsection (c)(2)(B) clarifies that the required boring terminates at bedrock only if the bedrock is below the uppermost aquifer, subsection (e)(2) requires the owner or operator to acquire information necessary for a Phase III investigation, and subsection (f) allows an operator to collect information in alternative ways under specified circumstances.

Section 811.317(a)(1)(A) adds minimum leachate drainage design standards to the list of mandatory considerations in estimating seepage, and subsection (b) requires use of the groundwater contaminant transport model in assessing groundwater impact.

Section 811.318(b)(5) stipulates that the monitoring well at the edge of the zone of attenuation is used to determine compliance with groundwater quality standards, and subsection (e)(1) was reworded for clarity. Definition to the term "maximum allowable predicted concentration" was added at Section 811.319(a), and subsection (a)(1)(A) stipulates that the owner or operator may use more frequent sampling in groundwater monitoring and states that the source is a threat to groundwater if the concentration of any constituent exceeds the maximum allowable concentration in the zone of attenuation; the Board removed the redundant language of subsection (a)(1)(B)(iii); added subsection (a)(2)(B) allows the use of indicator parameters included in an Agency-issued permit; subsection (a)(4)(A) is reworded for clarity; subsection (a)(2)(B)(i) specifies confirmation before the end of the next business day, rather than within 24 hours; subsection (b)(3) is revised to require assessment monitoring only if the concentration of any constituent is exceeded at or beyond the zone of attenuation and to specify that the object of the assessment monitoring is to determine the

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groundwater impact potential; subsection (b)(4) is reworded for clarity; subsection (c) clarifies the groundwater impact assessment requirement and states that the object is to determine if remedial action is necessary, allowing recalibration of the groundwater contaminant transport model based on the data; subsection (d) requires submission of corrective action plans and supporting information to the Agency within a specified time under specified circumstances and is reworded for clarity with regard to implementation and termination of corrective action.

Section 811.320(a) narrows the range of options for selection of groundwater quality standards and specifies that certain increases above groundwater quality standards within 100 years of closure constitute a violation, subsections (b)(2)(B) and (b)(3)(C) now outline examples of economic and social development, subsection (b)(3) provides for adjusted groundwater quality standards if naturally-occurring constituents exceed certain standards, subsection (b)(3)(D)(iv) was reworded for clarity, subsection (c) and (e) include rephrasing for clarity, subsection (d)(2)(C) was reworded for clarity, and subsection (e)(4)(C) specifies that the Agency may specify use of certain statistical tools under certain circumstances.

Section 811.321(a)(1) now specifies that waste placement begin in the lowest part of the active face of the unit. Section 811.323(c)(1) specifies that the owner or operator must not accept waste loads not yet deposited that are identical to a load discovered to contain regulated hazardous waste upon inspection.

Section 811.404(b) now provides a cross-reference to Section 811.403(c).

Section 811.503(b) adds the provision that a construction quality assurance (CQA) officer-in-absentia act with professional judgment in the duties of CQA in the absence of the CQA officer. Section 811.506(a) specifies that the CQA officer ensure that a site investigation is carried out in accordance with the plans. Section 811.507(c) requires the CQA officer inspect the construction and testing of test trenches. Sections 811.508(e) and 811.509(a), (b), and (c) were reworded for clarity.

Section 811.700(b) requires that the owner or operator provide financial assurance prior to receipt of waste. Section 811.704 is edited to specify that the closure cost estimate is for portions of the facility where wastes have been deposited and to require a written postclosure care plan. Sections 811.705(b) and 811.708 are reworded for clarity. A definition of "generally accepted accounting principles" now appears at Section 811.715(a).

- 12) Have all the changes agreed upon by the Board and JCAR been made as

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indicated in the agreement letter issued by JCAR? Yea.

- 13) Will these rules replace emergency rules currently in effect? No.

- 14) Are there any other amendments pending on this Part? No.

- 15) Summary and Purpose of rules:

A complete description is contained in the Board's Opinion of August 17, 1990 in R88-7, which Opinion is available from the address below. In summary, the Board has adopted sweeping amendments to its existing regulations for the design and operation of new and existing landfills, including all municipal and industrial landfills. The Parts affected in docket R88-7 are 35 Ill. Adm. Code 807, 810, 811, 812, 813, 814, and 815, which all appear in this issue.

Part 811 provides standards for design and operation of new landfills.

Part 811 sets forth a comprehensive body of regulations applicable to new landfills. The rules include multi-faceted requirements for various aspects of site development, construction, waste disposal, management, monitoring, recordkeeping, and financial assurance. They include special provisions for inert waste landfills and putrescible and chemical waste landfills.

- 16) Information and questions regarding these adopted rules shall be directed to:

Kathleen Crowley
Senior Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6929

The full text of the adopted rules begins on the next page:

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SUBTITLE G: WASTE DISPOSAL		
CHAPTER I: POLLUTION CONTROL BOARD		
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING		
PART 811		
STANDARDS FOR NEW SOLID WASTE LANDFILLS		
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- Illustration B Certificate of Acknowledgment
- Illustration C Forfeiture Bond
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- Illustration E Irrevocable Standby Letter of Credit
- Illustration F Certificate of Insurance for Closure and/or Postclosure Care
- Illustration G Operator's Bond Without Surety
- Illustration H Operator's Bond With Parent Surety
- Illustration I Letter from Chief Financial Officer

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1028.1 and 1027).

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15861, effective September 18, 1990

NOTE: Capitalization indicates statutory language.

SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

Section 811.101 Scope and Applicability

- a) The standards of this Part apply to all new landfills, except those regulated pursuant to 35 Ill. Adm. Code 700 through 749. Subpart A contains general standards applicable to all new landfills. Subpart B contains additional standards for new landfills which dispose of only inert wastes. Subpart C contains additional standards for new landfills which dispose of chemical and putrescible wastes.
- b) This Part shall not apply until one year after the effective date of this Part to new landfills solely receiving the following wastes generated by the following industries, provided that proposed regulations of general applicability to that industry category are filed with the Board no later than December 1, 1990: wastes generated by foundries and primary steel production facilities and coal combustion wastes generated by electric utilities. The requirements of 35 Ill. Adm. Code 807 shall apply to such landfills during the interim period of one year after the effective date of this Part. This Part shall become effective immediately after Dec. 1, 1990 if no proposal has been filed by

that date.

- c) All general provisions of 35 Ill. Adm. Code 810 apply to this Part.

Section 811.102 Location Standards

- a) The facility shall meet all requirements under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).
- b) The facility shall not restrict the flow of a 100-year flood, result in washout of solid waste from the 100-year flood, or reduce the temporary water storage capacity of the 100-year floodplain, unless measures are undertaken to provide alternative storage capacity, such as lagoons, holding tanks, or provision of drainage around structures at the facility.
- c) The facility shall not be located in areas where it may pose a threat of harm or destruction to the features for which an irreplaceable historic, or archaeological site was listed pursuant to the National Historic Preservation Act (16 U.S.C. 470 et seq.) or the Illinois Historic Preservation Act (Ill. Rev. Stat. 1989, ch. 127, par. 133d1 et seq.) for which a Natural Landmark was designated by the National Park Service or the Illinois State Historic Preservation Officer, or for which a natural area was designated as a Dedicated Illinois Nature Preserve pursuant to the Illinois Natural Areas Preservation Act (Ill. Rev. Stat. 1989, ch. 105 par. 701 et seq.).

- d) The facility shall not be located in areas where it may jeopardize the continued existence of any designated endangered species, result in the destruction or adverse modification of the critical habitat listed for such species, or cause or contribute to the taking of any endangered or threatened species of plant, fish or wildlife listed pursuant to the Endangered Species Act 16 U.S.C. 1531 et seq., or the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1989, ch. 8, par. 331 et seq.).

- e) The facility shall not cause a violation of Section 404 of the Clean Water Act (33 U.S.C. 1344).

- f) The facility shall not cause a violation of any requirements implementing an area-wide or statewide water quality management plan for nonpoint source pollution that has been approved under Section 208 of the Clean Water Act (33 U.S.C. 1288).

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Section 811.103 Surface Water Drainage

a) Runoff From Disturbed Areas

- 1) Runoff from disturbed areas resulting from precipitation events less than or equal to the 25-year, 24-hour precipitation event that is discharged to waters of the State shall meet the requirements of 35 Ill. Adm. Code 304.
- 2) All discharges of runoff from disturbed areas to waters of the State shall be permitted by the Agency in accordance with 35 Ill. Adm. Code 309.
- 3) All treatment facilities shall be equipped with bypass outlets designed to pass the peak flow of runoff from the 100-year, 24-hour precipitation event without damage to the treatment facilities or surrounding structures.
- 4) All surface water control structures shall be operated until the final cover is placed and erosional stability is provided by the vegetative or other cover meeting the requirements of Section 811.205 or 811.322.
- 5) All discharge structures shall be designed to have flow velocities that will not cause erosion and scouring of the natural or constructed lining, i.e. the bottom and sides, of the receiving stream channel.

b) Diversion of Runoff From Undisturbed Areas.

- 1) Runoff from undisturbed areas shall be diverted around disturbed areas unless the operator shows that it is impractical based on site-specific conditions.
- 2) Diversion facilities shall be designed to prevent runoff from the 25-year, 24-hour precipitation event from entering disturbed areas.
- 3) Runoff from undisturbed areas which becomes commingled with runoff from disturbed areas shall be handled as runoff from disturbed areas and treated in accordance with subsection (a).
- 4) All diversion structures shall be designed to have flow velocities that will not cause erosion and scouring of the natural or constructed lining, i.e. the bottom and sides, of the diversion channel and downstream channels.

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- 5) All diversion structures shall be operated until the final cover is placed and erosional stability is provided by the vegetative or other cover meeting the requirements of Section 811.205 or 811.322.

Section 811.104 Survey Controls

- a) The boundaries of all waste disposal units, property boundaries, disturbed areas, and the permit area for facilities subject to the requirements of Section 21 of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1989, ch. 1114, par. 1021) shall be surveyed and marked by a professional land surveyor.
- b) All stakes and monuments shall be clearly marked for identification.
- c) All stakes and monuments shall be inspected annually and surveyed no less frequently than once in five years by a professional land surveyor, who shall also replace and resurvey any missing or damaged stakes and monuments discovered during an inspection.
- d) Control monuments shall be established to check vertical elevations. The control monuments shall be established and maintained by a professional land surveyor.

Section 811.105 Compaction

All wastes shall be deposited at the lowest part of the active face, and compacted to the highest achievable density necessary to minimize void space and settlement unless precluded by extreme weather conditions. The Agency may approve an alternative location for placement of wastes, if the operator demonstrates that it is required under the conditions existing at the site or for reasons of safety.

Section 811.106 Daily Cover

- a) A uniform layer of at least 0.15 meter (six inches) of clean soil material shall be placed on all exposed waste by the end of each day of operation.
- b) Alternative materials or procedures, including the removal of daily cover prior to additional waste placement, may be used, provided that the alternative materials or procedures achieve equivalent or superior performance to the requirements of subsection (a) in the following areas:
 - 1) Prevention of blowing debris;

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- 2) Minimization of access to the waste by vectors;
- 3) Minimization of the threat of fires at the open face; and
- 4) Minimization of odors.

Section 811.107 Operating Standards

a) Phasing of Operations

- 1) Waste shall be placed in a manner and at such a rate that mass stability is provided during all phases of operation. Mass stability shall mean that the mass of the waste deposited will not undergo settling or slope failure that interrupts operations at the facility or causes damage to any of the various landfill operations or structures, such as the liner, leachate or drainage collection system, gas collection system or monitoring system.

- 2) The phasing of operations at the facility shall be designed in such a way as to allow the sequential construction, filling, and closure of discrete units or parts of units.

- 3) The operator shall design and sequence the waste placement operation in each discrete unit or parts of units, in conjunction with the overall operations of the facility, so as to shorten the operational phase and allow wastes to be built up to the planned final grade.

b) Size and Slope of Working Face

- 1) The working face of the unit shall be no larger than is necessary, based on the terrain and equipment used in waste placement, to conduct operations in a safe and efficient manner.

- 2) The slopes of the working face area shall be no steeper than two to one (horizontal to vertical) unless the waste is stable at steeper slopes.

c) Equipment

Equipment shall be maintained and available for use at the facility during all hours of operation, so as to achieve and maintain compliance with the requirements of this Part.

d) Utilities

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All utilities, including but not limited to heat, lights, power and communications equipment, necessary for safe operation in compliance with the requirements of this Part shall be available at the facility at all times.

e) Maintenance

The operator shall maintain and operate all systems and related appurtenances and structures in a manner that facilitates proper operations in compliance with this Part.

f) Open Burning

Open burning is prohibited except in accordance with 35 Ill. Adm. Code 200 through 245.

g) Dust Control

The operator shall implement methods for controlling dust so as to prevent wind dispersal of particulate matter.

h) Noise Control

The facility shall be designed, constructed and maintained to minimize the level of equipment noise audible outside the facility. The facility shall not cause or contribute to a violation of 35 Ill. Adm. Code 900 through 905 or of Section 24 of the Act.

i) Vector Control

The operator shall implement measures to control the population of disease and nuisance vectors.

j) Fire Protection

The operator shall institute fire protection measures including, but not limited to, maintaining a supply of water on-site and radio or telephone access to the nearest fire department.

k) Litter Control

- 1) The operator shall patrol the facility daily to check for litter accumulation. All litter shall be collected and placed in the fill or in a secure, covered container for later disposal.
- 2) The facility shall not accept solid waste from vehicles that

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do not utilize devices such as covers or tarpaulins to control litter, unless the nature of the solid waste load is such that it cannot cause any litter during its transportation to the facility.

1) Mud Tracking

The facility shall implement methods, such as use of wheel washing units, to prevent tracking of mud by hauling vehicles onto public roadways.

Section 811.108 Salvaging

a) All salvaging operations shall in no way interfere with the operation of the waste disposal facility, result in a violation of any standard in this Part or of 35 Ill. Adm. Code 812 through 815, or delay the construction or interfere in the operation of the liner, leachate collection system, daily, intermediate or final cover and any monitoring devices.

b) All salvaging operations shall be performed in a safe and sanitary manner in compliance with the requirements of this Part.

c) Salvageable materials:

1) May be accumulated on-site by a landfill operator, provided they are managed so as not to create a nuisance, harbor vectors, cause malodors, or create an unsightly appearance; and

2) May not be accumulated on-site for longer than seven days, unless, pursuant to Section 39 of the Act, the Agency has issued a permit with alternative conditions for management of such materials in compliance with subsection (c)(1).

Section 811.109 Boundary Control

a) Access to the open face area of the unit and all other areas within the boundaries of the facility shall be restricted to prevent unauthorized entry at all times.

b) A permanent sign shall be posted at the entrance to the facility stating that disposal of hazardous waste is prohibited and, if the landfill is approved for accepting special wastes, that special wastes must be permitted by the Agency and accompanied by a manifest and an identification record along with the following information:

1) Permit number, if the facility is subject to the permit

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requirements of Section 21 of the Act.

2) Hours of operation;

3) The penalty for unauthorized trespassing and dumping;

4) The name and telephone number of the appropriate emergency response agencies who shall be available to deal with emergencies and other problems, if different than the operator; and

5) The name, address and telephone number of the company operating the facility.

Section 811.110 Closure and Written Closure Plan

a) The final slopes and contours shall be designed to complement and blend with the surrounding topography of the proposed final land use of the area.

b) All drainage ways and swales shall be designed to safely pass the runoff from the 100-year, 24-hour precipitation event without scouring or erosion.

c) The final configuration of the facility shall be designed in a manner that minimizes the need for further maintenance.

d) Written closure plan

1) The operator shall maintain a written plan describing all actions that the operator will undertake to close the unit or facility in a manner that fulfills the provisions of the Act, of this Part and of other applicable Parts of 35 Ill. Adm. Code: Chapter I. The written closure plan shall fulfill the minimum information requirements of 35 Ill. Adm. Code 812.114.

2) A modification of the written closure plan shall constitute a significant modification of the permit for the purposes of 35 Ill. Adm. Code 813.Subpart B.

Section 811.111 Postclosure Maintenance

a) The operator shall treat, remove from the site, or dispose of all wastes and waste residues within 30 days after receipt of the final volume of waste.

b) The operator shall remove all equipment or structures not

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necessary for the postclosure land use, unless otherwise authorized by permit.

c) Maintenance and Inspection of the Final Cover and Vegetation:

- 1) Frequency of Inspections
 - A) The operator shall conduct a quarterly inspection of all vegetated surfaces for a minimum of five years after closure, and after five years, the operator may reduce the frequency of annual inspections until settling has stopped and there are no eroded or scoured areas.
 - B) For landfills, other than those used exclusively for disposing waste generated at the site, inspections shall be continued for a minimum period of 15 years after closure.
- 2) All rills, gullies and crevices six inches or deeper identified in the inspection shall be filled. Areas identified by the operator or the Agency inspection as particularly susceptible to erosion shall be recontoured.
- 3) All eroded and scoured drainage channels shall be repaired and lining material shall be replaced if necessary.
- 4) All holes and depressions created by settling shall be filled and recontoured so as to prevent standing water.
- 5) All reworked surfaces, and areas with failed or eroded vegetation in excess of 100 square feet cumulatively, shall be revegetated in accordance with the approved closure plan for the facility.

SUBPART B: INERT WASTE LANDFILLS

Section 811.201 Scope and Applicability

The standards of this Subpart, in addition to the requirements of Subpart A, shall apply to all new landfills in which only inert waste is to be placed.

Section 811.202 Determination of Contaminated Leachate

- a) Leachate shall be considered contaminated if it contains concentrations of constituents greater than the public and food processing water supply standards 35 Ill. Adm. Code 302.301,

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302.304, and 302.305. The operator shall determine whether the leachate from the waste is contaminated by analyzing it for constituents for which a numerical standard has been established by the Board.

- b) A representative sample of leachate extracted from the waste by a laboratory procedure may be used to model the expected constituents and concentrations of the leachate. The laboratory test shall meet the following standards:
 - 1) The procedure shall be designed to closely reproduce expected field conditions; and
 - 2) The test shall utilize an extraction fluid representative of the physical and chemical characteristics of the liquid expected to infiltrate through the waste.
- c) Actual samples of leachate from an existing solid waste disposal unit or a test fill may be utilized under the following conditions:
 - 1) The waste in the existing unit is similar to the waste expected to be disposed;
 - 2) The conditions under which the leachate was formed are similar to those expected to be encountered; and
 - 3) Leachate is sampled so as to be representative of undiluted and unattenuated leachate emanating from the unit.

Section 811.203 Design Period

The design period for all inert waste disposal units shall be the estimated operating life of the unit plus a minimum postclosure care period of five years. For landfills, other than those used exclusively for disposing waste generated at the site, the minimum postclosure care period, for the purposes of monitoring settling at the site, shall be 15 years.

Section 811.204 Final Cover

A minimum of 0.91 meter (three feet) of soil material that will support vegetation which prevents or minimizes erosion shall be applied over all disturbed areas. Where no vegetation is required for the intended post-closure land use, the requirements of Section 811.205(b) will not apply; however, the final surface shall still be designed to prevent or minimize erosion.

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Section 811.205 Final Slope and Stabilization

- a) The waste disposal unit shall be designed and constructed to achieve a minimum static slope safety factor of 1.5 and a minimum seismic safety factor of 1.3.
- b) Standards for Vegetation
- 1) Vegetation shall be promoted on all reconstructed surfaces to minimize wind and water erosion;
 - 2) Vegetation shall be compatible with (i.e. grow and survive under) the local climatic conditions;
 - 3) Vegetation shall require little maintenance;
 - 4) Vegetation shall consist of a diverse mix of native and introduced species consistent with the postclosure land use; and
 - 5) Temporary erosion control measures, including, but not limited to, the application, alone or in combination, of mulch, straw, netting, or chemical soil stabilizers, shall be undertaken while vegetation is being established.
- c) The landfill site shall be monitored for settling for a minimum period of 15 years after closure as specified in Section 811.203 in order to meet the requirements of this Section.

Section 811.206 Leachate Sampling

- a) All inert waste landfills shall be designed to include a monitoring system capable of collecting representative samples of leachate generated by the waste, using methods such as, but not limited to, a pressure-vacuum lysimeter, trench lysimeter or a well point. The sampling locations shall be located so as to collect the least diluted leachate samples.
- b) Leachate samples shall be collected and analyzed at least once every six months to determine, using the statistical procedures of Section 811.320(e), whether the collected leachate is contaminated as defined in 35 Ill. Adm. Code 810.103.
- c) Once every two years, leachate samples shall be tested for the presence of organic chemicals in accordance with Section 811.319(a)(3). If the results of such testing shows the presence of organic chemicals, the operator shall notify the Agency of this finding, in writing, before the end of the business day following

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the finding.

- d) If the results of testing of leachate samples in accordance with subsection (b) confirm that the leachate is contaminated as defined in 35 Ill. Adm. Code 810.103, the operator shall notify the Agency of this finding, in writing, before the end of the business day following the finding. In addition, the inert waste landfill facility causing the contamination:
- 1) shall no longer be subject to the inert waste landfill requirements of Subpart B;
 - 2) shall be subject to the requirements for Putrescible and Chemical Waste Landfills of Subpart C, including closure and remedial action.
- e) The results of the chemical analysis tests shall be included in the Quarterly Groundwater Reports submitted to the Agency in accordance with 35 Ill. Adm. Code 813.502 for permitted facilities and 35 Ill. Adm. Code 815.Subpart D for non-permitted facilities.

Section 811.207 Load Checking

- a) The operator shall not accept wastes for disposal at an inert waste landfill unless it is accompanied by documentation that such wastes are inert based on testing of the leachate from such wastes performed in accordance with the requirements of Section 811.202.
- b) The operator shall institute and conduct a random load checking program at each inert waste facility in accordance with the requirements of Section 811.323 except that this program shall also be designed:
- 1) to detect and discourage attempts to dispose non-inert wastes at the landfill;
 - 2) to require the facility's inspector examine at least one random load of solid waste delivered to the landfill on a random day each week; and
 - 3) to require the operator to test one randomly selected waste sample in accordance with Section 811.202(a) and (b) to determine if the waste is inert.
- b) The operator shall include the results of the load checking in the Annual Report submitted to the Agency in accordance with 35 Ill. Adm. Code 813.501 for permitted facilities and 35 Ill. Adm. Code 815.Subpart C for non-permitted facilities.

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SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section 811.301 Scope and Applicability

In addition to the requirements of Subpart A, the standards of this Subpart apply to all landfills in which chemical and putrescible wastes are to be placed.

Section 811.302 Facility Location

- a) No part of a unit shall be located within a setback zone established pursuant to Section 14.2 or 14.3 of the Act;
- b) No part of a unit shall be located within the recharge zone or within 366 meters (1200 feet), vertically or horizontally, of a sole-source aquifer designated by the United States Environmental Protection Agency pursuant to Section 1424(e) of the Safe Drinking Water Act (42 U.S.C. 300f et seq.) unless there is a stratum between the bottom of the waste disposal unit and the top of the aquifer that meets the following minimum requirements:
 - 1) The stratum has a minimum thickness of 15.2 meters (50 feet);
 - 2) The maximum hydraulic conductivity in both the horizontal and vertical directions is no greater than 1×10^{-7} centimeters per second, as determined by in situ borehole or equivalent tests;
 - 3) There is no indication of continuous sand or silt seams, faults, fractures or cracks within the stratum that may provide paths for migration; and
 - 4) Age dating of extracted water samples from both the aquifer and the stratum indicates that the time of travel for water percolating downward through the relatively impermeable stratum is no faster than 15.2 meters (50 feet) in 100 years.
- c) A facility located within 152 meters (500 feet) of the right of way of a township or county road or state or interstate highway shall have its operations screened from view by a barrier of natural objects, fences, barricades, or plants no less than 2.44 meters (8 feet) in height.
- d) No part of a unit shall be located closer than 152 meters (500

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feet) from an occupied dwelling, school, or hospital that was occupied on the date when the operator first applied for a permit to develop the unit or the facility containing the unit, unless the owner of such dwelling, school, or hospital provides permission to the operator, in writing, for a closer distance.

- e) The facility shall not be located closer than 1525 meters (5000 feet) of any runway used by piston type aircraft or within 3050 meters (10,000 feet) of any runway used by turbojet aircraft unless the Federal Aviation Administration provides the operator with written permission, including technical justification, for a closer distance.

Section 811.303 Design Period

- a) The design period for putrescible and chemical waste disposal units shall be the estimated operating life plus 30 years unless measures are undertaken in compliance with subsections (b) and (c) to encourage stabilization of putrescible waste.
- b) The design period for a disposal unit which accepts only putrescible waste in shredded form shall be the estimated operating life plus 20 years.
- c) The design period for a putrescible waste disposal unit that recycles leachate in accordance with Section 811.309(f) shall be the estimated operating life plus 20 years.

Section 811.304 Foundation and Mass Stability Analysis

- a) The material beneath the unit shall have sufficient strength to support the weight of the unit during all phases of construction and operation. The loads and loading rate shall not cause or contribute to the failure of the liner leachate collection system.
- b) The total settlement or swell of the foundation shall not cause or contribute to the failure of the liner leachate collection system.
- c) The solid waste disposal unit shall be designed to achieve a safety factor against bearing capacity failure of at least: 2.0 under static conditions and 1.5 under seismic loadings.
- d) The waste disposal unit shall be designed to achieve a factor of safety against slope failure of at least: 1.5 for static conditions and 1.3 under seismic conditions.
- e) In calculating factors of safety, both long term (in tens or hundreds of years) and short term (over the design period of the

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facility) conditions expected at the facility shall be considered.

- f) The potential for earthquake or blast induced liquefaction, and its effect on the stability and integrity of the unit shall be considered and taken into account in the design. The potential for landslides or earthquake induced liquefaction outside the unit shall be considered if such events could affect the unit.

Section 811.305 Foundation Construction

- a) If the in situ material provides insufficient strength to meet the requirements of Section 811.304, then the insufficient material shall be removed and replaced with clean materials sufficient to meet the requirements of Section 811.304.
- b) All trees, stumps, roots, boulders and debris shall be removed.
- c) All material shall be compacted to achieve the strength and density properties necessary to demonstrate compliance with this Part in conformance with a construction quality assurance plan pursuant to Subpart E.
- d) Placement of frozen soil or soil onto frozen ground is prohibited.
- e) The foundation shall be constructed and graded to provide a smooth, workable surface on which to construct the liner.

Section 811.306 Liner Systems

- a) All units shall be equipped with a leachate drainage and collection system and a compacted earth liner designed as an integrated system in compliance with the requirements of this Section and of Sections 811.307 and 811.308.
- b) The liner and leachate collection system shall be stable during all phases of construction and operation. The side slopes shall achieve a minimum static safety factor of 1.3 and a minimum seismic safety factor of 1.0 at all times.

- c) The liner shall be designed to function for the entire design period.

- d) Compacted Earth Liner Standards

- 1) The minimum allowable thickness shall be 1.52 meters (5 feet).

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- 2) The liner shall be compacted to achieve a maximum hydraulic conductivity of 1x10⁻⁷ centimeters per second.
- 3) The construction and compaction of the liner shall be carried out in accordance with the construction quality assurance procedures of Subpart E so as to reduce void spaces and allow the liner to support the loadings imposed by the waste disposal operation without settling that causes or contributes to the failure of the leachate collection system.

- 4) The liner shall be constructed from materials whose properties are not affected by contact with the constituents of the leachate expected to be produced.

- 5) Alternative specifications, using standard construction techniques, for hydraulic conductivity and liner thickness may be utilized under the following conditions:

- A) The liner thickness shall be no less than 1.52 meter (5 feet) unless a composite liner consisting of a geomembrane immediately overlying a compacted earth liner is installed. The following minimum standards shall apply for a composite liner:

- i) the geomembrane shall be no less than 60 mils in thickness and meet the requirements of subsection (e); and
- ii) the compacted earth liner shall be no less than 0.91 meter in thickness (3 feet) and meet the requirements of subsections (d)(2) through (d)(4).

- B) The modified liner shall operate in conjunction with a leachate drainage and collection system to achieve equivalent or superior performance to the requirements of this subsection. Equivalent performance shall be evaluated at maximum annual leachate flow conditions.

e) Geomembrane Liners

- 1) Geomembranes may be used only in conjunction with a compacted earth liner system meeting the requirements of subsection (d) and a leachate drainage and collection system meeting the requirements of Sections 811.307 and 811.308.
- 2) The geomembrane shall be supported by a compacted base free

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- from sharp objects. The geomembrane shall be chemically compatible with the supporting soil materials.
- 3) The geomembrane material shall be compatible with the leachate expected to be generated.
 - 4) Geomembranes shall have sufficient strength and durability to function at the site for the design period under the maximum expected loadings imposed by the waste and equipment and stresses imposed by settlement, temperature, construction and operation.
 - 5) Seams shall be made in the field according to the manufacturer's specifications. All sections shall be arranged so that the use of field seams is minimized and seams are oriented in the direction subject to the least amount of stress.
 - 6) The leachate collection system shall be designed to avoid loss of leachate through openings in the geomembrane.
- f) Slurry Trenches and Cutoff Walls Used to Prevent Migration of Leachate
- 1) Slurry trenches and cutoff walls built to contain leachate migration shall be used only in conjunction with a compacted earth liner and a leachate drainage system meeting the requirements of subsection (d) and Section 811.307 or as part of a remedial action required by Section 811.319.
 - 2) Slurry trenches and cutoff walls shall extend into the bottom confining layer to a depth that will establish and maintain a continuous hydraulic connection and prevent seepage.
 - 3) Exploration borings shall be drilled along the route of the slurry trench or cutoff wall to confirm the depth to the confining layer. In situ tests shall be conducted to determine the hydraulic conductivity of the confining layer.
 - 4) Slurry trenches and cutoff walls shall be stable under all conditions during the design period of the facility. They shall not be susceptible to displacement or erosion under stress or hydraulic gradient.
 - 5) Slurry trenches and cutoff walls shall be constructed in conformance to a construction quality assurance plan, pursuant to Subpart E, that insures that all material and

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- construction methods meet design specifications.
- g) The owner or operator may utilize liner configurations other than those specified in this Section, special construction techniques, and admixtures, provided that:
 - 1) The alternative technology or material provides equivalent, or superior, performance to the requirements of this Section;
 - 2) The technology or material has been successfully utilized in at least one application similar to the proposed application; and
 - 3) Methods for manufacturing quality control and construction quality assurance can be implemented.
- Section 811.307 Leachate Drainage System
- a) The leachate drainage system shall be designed and constructed to operate for the entire design period.
 - b) The system shall be designed in conjunction with the leachate collection system required by Section 811.308:
 - 1) To maintain a maximum head of leachate 0.30 meter (one foot) above the liner and
 - 2) To operate during the month when the highest average monthly precipitation occurs and if the liner bottom is located within the saturated zone, under the condition that the groundwater table is at its seasonal high level. In addition, the following design assumptions shall apply:
 - A) The unit is assumed to be at field capacity, and
 - B) The final cover is in place.
 - c) A drainage layer shall overlay the entire liner system. This drainage layer shall be no less than 0.30 meter (one foot) thick and shall have a hydraulic conductivity equal to or greater than 1×10^{-3} centimeters per second.
 - d) The drainage layer shall be designed to maintain laminar flow throughout the drainage layer under the conditions described in subsection (b).
 - e) The drainage layer shall be designed with a graded filter or

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geotextile as necessary to minimize clogging and prevent intrusion of fine material.

- f) Materials used in the leachate collection system shall be chemically resistant to the wastes and the leachate expected to be produced.

Section 811.308 Leachate Collection System

- a) The leachate collection system shall be designed and constructed to function for the entire design period.
- b) Collection pipes shall be designed for open channel flow to convey leachate under the conditions established in Section 811.307(b).
- c) Collection pipes shall be of a cross sectional area that allows cleaning.
- d) Materials used in the leachate collection system shall be chemically resistant to the leachate expected to be produced.
- e) The collection pipe material and bedding materials as placed shall possess structural strength to support the maximum loads imposed by the overlying materials and equipment used at the facility.
- f) Collection pipes shall be constructed within a coarse gravel envelope using a graded filter or geotextile as necessary to minimize clogging.
- g) The system shall be equipped with a sufficient number of manholes and cleanout risers to allow cleaning and maintenance of all pipes throughout the design period.
- h) Leachate shall be able to drain freely from the collection pipes. If sumps are used then pumps shall remove the collected leachate before the level of leachate in the sumps rises above the invert of the collection pipes under the conditions established in Section 811.307(b).

Section 811.309 Leachate Treatment and Disposal System

- a) Leachate shall be allowed to flow freely from the drainage and collection system. The operator is responsible for the operation of a leachate management system designed to handle all leachate as it drains from the collection system. The leachate management system shall consist of any combination of storage, treatment, pretreatment, and disposal options designed and constructed in compliance with the requirements of this Section.

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- b) The leachate management system shall consist of any combination of multiple treatment and storage structures, to allow the management and disposal of leachate during routine maintenance and repairs.
- c) Standards for On-site Treatment and Pretreatment
 - 1) All on-site treatment or pretreatment systems shall be considered part of the facility.
 - 2) The on-site treatment or pretreatment system shall be designed in accordance with the expected characteristics of the leachate. The design may include modifications to the system necessary to accommodate changing leachate characteristics.
 - 3) The on-site treatment or pretreatment system shall be designed to function for the entire design period.
 - 4) All of the facility's unit operations, tanks, ponds, lagoons and basins shall be designed and constructed with liners or containment structures to control seepage to groundwater.
 - 5) All treated effluent discharged to waters of the State shall meet the requirements of 35 Ill. Adm. Code 309.
 - 6) The treatment system shall be operated by an operator certified under the requirements of 35 Ill. Adm. Code 312.

d) Standards for Leachate Storage Systems

- 1) The leachate storage facility must be able to store a minimum of at least five days' worth of accumulated leachate at the maximum generation rate used in designing the leachate drainage system in accordance with Section 811.307. The minimum storage capacity may be built up over time and in stages, so long as the capacity for five consecutive days of accumulated leachate, during extreme precipitation conditions, is available at any time during the design period of the facility.
- 2) All leachate storage tanks shall be equipped with secondary containment systems equivalent to the protection provided by a clay liner 0.61 meter (2 feet thick) having a permeability no greater than 10⁻⁷ centimeters per second.
- 3) Leachate storage systems shall be fabricated from material compatible with the leachate expected to be generated and

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resistant to temperature extremes.

- 4) The leachate storage system shall not cause or contribute to a malodor.

- 5) The leachate drainage and collection system shall not be used for the purpose of storing leachate.

e) Standards for Discharge to an Off-site Treatment Works

- 1) Leachate may be discharged to an off-site treatment works that meets the following requirements:

- A) All discharges of effluent from the treatment works shall meet the requirements of 35 Ill. Adm. Code 309.

- B) The treatment system shall be operated by an operator certified under the requirements of 35 Ill. Adm. Code 312.

- C) No more than 50 percent of the average daily influent flow can be attributable to leachate from the solid waste disposal facility. Otherwise, the treatment works shall be considered a part of the solid waste disposal facility.

- 2) The operator is responsible for securing permission from the off-site treatment works for authority to discharge to the treatment works.

- 3) All discharges to a treatment works shall meet the requirements of 35 Ill. Adm. Code 310.

- 4) Pumps, meters, valves and monitoring stations that control and monitor the flow of leachate from the unit and which are under the control of the operator shall be considered part of the facility and shall be accessible to the operator at all times.

- 5) Leachate shall be allowed to flow into the sewerage system at all times; however, if access to the treatment works is restricted or anticipated to be restricted for longer than five days, then an alternative leachate management system shall be constructed in accordance with subsection (c).

- 6) Where leachate is not directly discharged into a sewerage system, the operator shall provide storage capacity sufficient to transfer all leachate to an off-site treatment

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works. The storage system shall meet the requirements of subsection (d).

f) Standards for Leachate Recycling Systems

- 1) Leachate recycling systems may be utilized only at permitted waste disposal units that meet the following requirements:

- A) The unit must have a liner designed, constructed and maintained to meet the minimum standards of Section 811.306.

- B) The unit must have a leachate collection system in place and operating in accordance with Section 811.307.

- C) A gas management system, equipped with a mechanical device such as a compressor to withdraw gas, must be implemented to control odors and prevent migration of methane in accordance with Section 811.311.

- D) The topography must be such that any accidental leachate runoff can be controlled by ditches, berms or other equivalent control means.

- 2) Leachate shall not be recycled during precipitation events or in volumes large enough to cause runoff or surface seeps.

- 3) The amount of leachate added to the unit shall not exceed the ability of the waste and cover soils to transmit leachate flow downward. All other leachate shall be considered excess leachate, and a leachate management system capable of disposing of all excess leachate must be available.

- 4) The leachate storage and distribution system shall be designed to avoid exposure of leachate to air unless aeration or functionally equivalent devices are utilized.

- 5) The distribution system shall be designed to allow leachate to be evenly distributed beneath the surface over the recycle area.

- 6) Daily and intermediate cover shall be permeable to the extent necessary to prevent the accumulation of water and formation of perched watertables and gas buildup; alternatively cover shall be removed prior to additional waste placement.

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- 7) Daily and intermediate cover shall slope away from the perimeter of the site to minimize surface discharges.
- g) Leachate Monitoring
- 1) Representative samples of leachate shall be collected from each unit and tested in accordance with subsections (g)(2) and (g)(3) at a frequency of once per quarter while the leachate management system is in operation. The frequency of testing may be changed to once per year for any monitored constituent, if it is not detected in the leachate. However, if such a constituent is detected in the leachate, testing frequency shall return to a quarterly schedule.
 - 2) Discharges of leachate from units that dispose of putrescible wastes shall be tested for the following constituents prior to treatment or pretreatment:
 - A) Five day biochemical oxygen demand (BOD₅);
 - B) Chemical oxygen demand;
 - C) Total Suspended Solids;
 - D) Total Iron;
 - E) pH;
 - F) Any other constituents listed in the operator's National Pollution Discharge Elimination System (NPDES) discharge permit, pursuant to 35 Ill. Adm. Code 304, or required by a publicly owned treatment works, pursuant to 35 Ill. Adm. Code 310; and
 - G) All of the indicator constituents chosen in accordance with 35 Ill. Adm. Code 811.319(a)(2)(B) and used by the operator for groundwater monitoring.
 - 3) Discharges of leachate from units which dispose only chemical wastes shall be monitored for constituents determined by the characteristics of the chemical waste to be disposed of in the unit. They shall include, as a minimum:
 - A) pH;
 - B) Total Dissolved Solids;

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- C) Any other constituents listed in the operator's NPDES discharge permit, pursuant to 35 Ill. Adm. Code 304, or required by a publicly owned treatment works, pursuant to 35 Ill. Adm. Code 310; and
 - D) All of the indicator constituents chosen in accordance with 35 Ill. Adm. Code 811.319(a)(2)(B) and used by the operator for groundwater monitoring.
- h) Time of Operation of the Leachate Management System
- 1) The operator shall collect and dispose of leachate for a minimum of five years after closure and thereafter until treatment is no longer necessary.
 - 2) Treatment is no longer necessary if the leachate constituents do not exceed the wastewater effluent standards in 35 Ill. Adm. Code 304.124, 304.125, 304.126 and do not contain a BOD₅ concentration greater than 30 mg/L for six consecutive months.
- Section 811.310 Landfill Gas Monitoring
- a) This Section applies to all units that dispose putrescible wastes.
 - b) Location and Design of Monitoring Wells
 - 1) Gas monitoring devices shall be placed at intervals and elevations within the waste to provide a representative sampling of the composition and buildup of gases within the unit.
 - 2) Gas monitoring devices shall be placed around the unit at locations and elevations capable of detecting migrating gas from the ground surface to the lowest elevation of the liner system or the top elevation of the groundwater, whichever is higher.
 - 3) A predictive gas flow model may be utilized to determine the optimum placement of monitoring points required for making observations and tracing the movement of gas.
 - 4) Gas monitoring devices shall be constructed from materials that will not react with or be corroded by the landfill gas.
 - 5) Gas monitoring devices shall be designed and constructed to measure pressure and allow collection of a representative

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sample of gas.

- 6) Gas monitoring devices shall be constructed and maintained to minimize gas leakage.
- 7) The gas monitoring system shall not interfere with the operation of the liner, leachate collection system or delay the construction of the final cover system.
- 8) At least three ambient air monitoring locations shall be chosen and samples shall be taken no higher than 0.025 meter (1 inch) above the ground and 30.49m (100 feet) downwind from the edge of the unit or at the property boundary, whichever is closer to the unit.

c) Monitoring Frequency

- 1) All gas monitoring devices, including the ambient air monitors shall be operated to obtain samples on a monthly basis for the entire operating period and for a minimum of five years after closure.
- 2) After a minimum of five years after closure, monitoring frequency may be reduced to quarterly sampling intervals.
- 3) The sampling frequency may be reduced to yearly sampling intervals upon the installation and operation of a gas collection system equipped with a mechanical device such as a compressor to withdraw gas.
- 4) After a minimum of five years or, in the case of landfills, other than those used exclusively for disposing of wastes generated at the site, a minimum of fifteen years after closure, monitoring shall be discontinued if the following conditions have been met for at least one year:
 - A) The concentration of methane is less than five percent of the lower explosive limit in air for four consecutive quarters at all monitoring points outside the unit; and
 - B) Monitoring points within the unit indicate that methane is no longer being produced in quantities that would result in migration from the unit and exceed the standards of subsection (a)(1).
- 5) The operator shall include in the permit, a list of air toxics to be monitored in accordance with subsection (d).

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The Agency shall determine the monitoring frequency of the listed compounds based upon their emission rates and ambient levels in the atmosphere.

d) Parameters to be Monitored

- 1) All below ground monitoring devices shall be monitored for the following parameters at each sampling interval:

- A) Methane;
- B) Pressure;
- C) Nitrogen;
- D) Oxygen;
- E) Carbon dioxide; and
- F) Any compound on the list of air toxics, adopted by the Board pursuant to Section 9.5 of the Act, which is expected to be produced in the landfill unit.

- 2) Ambient air monitors shall be sampled for methane only when the average wind velocity is less than 8 kilometers (five miles) per hour at a minimum of three downwind locations 30.49 meters (100 feet) from the edge of the unit or the property boundary, whichever is closer to the unit.

- 3) All buildings within a facility shall be monitored for methane by utilizing continuous detection devices located at likely points where methane might enter the building.

Section 811.311 Landfill Gas Management System

- a) The operator shall install a gas management system if any one of the following conditions are met:
 - 1) A methane concentration greater than 50 percent of the lower explosive limit in air is detected below the ground surface by a monitoring device or is detected by an ambient air monitor located at or beyond the property boundary or 30.5 meters (100 feet) from the edge of the unit, whichever is less, unless the operator can demonstrate that the detected methane concentration is not attributable to the facility;
 - 2) Methane is detected at a concentration greater than 25 percent of the lower explosive limit in air in any building

on or near the facility, unless the operator can demonstrate that the detected methane concentration is not attributable to the facility;

- 3) Malodors caused by the unit are detected beyond the property boundary; or
 - 4) Leachate is recycled in accordance with Section 811.309(e).
- b) Standards for Gas Venting System
- 1) Gas venting systems shall be utilized only as optional, temporary mitigation until the completion of an active system.
 - 2) All materials shall be resistant to chemical reaction with the constituents of the gas.
 - 3) The system shall be capable of venting all gas down to the water table or bottom of the liner, whichever is higher.
 - 4) Gas venting systems shall be installed only outside the perimeter of the unit.

c) Standards for Gas Collection Systems

- 1) Gas collection systems may be installed either within the perimeter of the unit or outside the unit.
- 2) The operator shall design and operate the system so that the standards of subsections (a)(1), (a)(2), and (a)(3) will not be exceeded.
- 3) The gas collection system shall transport gas to a central point or points for processing for beneficial uses or disposal in accordance with the requirements of Section 811.312.
- 4) The gas collection system shall be designed to function for the entire design period. The design may include changes in the system to accommodate changing gas flow rates or compositions.
- 5) All materials and equipment used in construction of the system shall be rated by the manufacturer as safe for use in hazardous or explosive environments and shall be resistant to corrosion by constituents of the landfill gas.

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- 6) The gas collection system shall be designed and constructed to withstand all landfill operating conditions, including settlement.
- 7) The gas collection system and all associated equipment including compressors, flares, monitoring installations, and manholes shall be considered part of the facility.
- 8) Provisions shall be made for collecting and draining gas condensate to a management system meeting the requirements of Section 811.309.
- 9) Under no circumstances shall the gas collection system compromise the integrity of the liner, leachate collection or cover systems.
- 10) The portion of the gas collection system, used to convey the gas collected from one or more units for processing and disposal shall be tested to be airtight to prevent the leaking of gas from the collection system or entry of air into the system.

11) The gas collection system shall be operated until the waste has stabilized enough to no longer produce methane in quantities that exceed the minimum allowable concentrations in subsections (a)(1), (a)(2), and (a)(3).

12) The gas collection system shall be equipped with a mechanical device, such as a compressor, capable of withdrawing gas, or be designed so that a mechanical device can be easily installed at a later time, if necessary, to meet the requirements of subsections (a)(1), (a)(2), and (a)(3).

Section 811.312 Landfill Gas Processing and Disposal System

- a) The processing of landfill gas for use is strongly encouraged but is not required.
- b) Except as allowed in subsection (g), the landfill gas processing and disposal system, including compressors, blowers, raw gas monitoring systems, devices used to control the flow of gas from the unit, flares, gas treatment devices, air pollution control devices and monitoring equipment must remain under the control of the operator and shall be considered part of the waste disposal facility.
- c) No gas may be discharged directly to the atmosphere unless treated

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or burned on-site prior to discharge in accordance with a permit issued by the Agency pursuant to 35 Ill. Adm. Code 200 through 245.

- d) Representative flow rate measurements shall be made of gas flow into treatment or combustion devices.
- e) When used for the on-site combustion of landfill gas, flares shall meet the general control device requirements of new source performance standards adopted pursuant to Section 9.1(b) of the Act.
- f) Standards for On-site Combustion of Landfill Gas Using Devices Other Than Flares

1) At a minimum, landfill gas shall be measured for flow rate, heat value, and moisture content along with combustion parameters including, but not limited to, oxygen and carbon dioxide prior to treatment or combustion. Constituents of the landfill gas and combustion byproducts shall be identified for inclusion in an Agency issued permit based on the type of waste streams that are or will be in the landfill, landfill gas analysis and potential for being emitted into the air after treatment or combustion.

2) All constituents and parameters that must be measured before and after treatment or combustion shall be identified and included in a permit issued by the Agency pursuant to 35 Ill. Adm. Code 200 through 245. At a minimum, the following types of constituents must be considered for inclusion in the permit:

- A) The six criteria air pollutants and the hazardous air pollutants subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.);
- B) Any list of toxic air contaminants, including carcinogens, mutagens and listed hazardous air pollutants adopted by the Board pursuant to Section 9.5 of the Act;
- C) Volatile Organic Compounds;
- D) Constituents present in the landfill gas; and
- E) Combustion byproducts expected to be emitted from the combustion or treatment device.

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g) Landfill gas may be transported off-site to a gas processing facility in accordance with the following requirements:

- 1) The solid waste disposal facility contributes less than 50 percent of the total volume of gas accepted by the gas processing facility. Otherwise, the processing facility must be considered a part of the solid waste management facility.
- 2) The landfill gas shall be monitored for the parameters listed in subsection (d)(1) as well as other constituents such as, ammonia (NH_3), hydrogen sulfide (H_2S) and hydrogen (H_2) that are needed to operate the gas processing facility.

3) The gas processing facility is be sized to handle the expected volume of gas.

4) The transportation of gas to an off-site gas processing facility shall in no way relieve the operator of the requirements of Section 811.311(a).

Section 811.313 Intermediate Cover

a) All waste which is not to be covered within 60 days of placement by another lift of waste or final cover in accordance with Section 811.314 shall have a cover equivalent to that provided by 0.30 meter (1 foot) of compacted clean soil material.

b) All areas with intermediate cover shall be graded so as to facilitate drainage of runoff and minimize infiltration and standing water.

c) The grade and thickness of intermediate cover shall be maintained until the placement of additional wastes or the final cover. All cracks, rills, gullies and depressions shall be repaired to prevent access to the solid waste by vectors, to minimize infiltration and to prevent standing water.

Section 811.314 Final Cover System

a) The unit shall be covered by a final cover consisting of a low permeability layer overlain by a final protective layer constructed in accordance with the requirements of this Section.

b) Standards for the Low Permeability Layer

- 1) Not later than 60 days after placement of the final lift of

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solid waste, a low permeability layer shall be constructed.

- 2) The low permeability layer shall cover the entire unit and connect with the liner system.
- 3) The low permeability layer shall consist of any one of the following:

A) A compacted earth layer constructed in accordance with the following standards:

- i) The minimum allowable thickness shall be 0.91 meter (3 feet);
- ii) The layer shall be compacted to achieve a permeability of 1×10^{-7} centimeters per second and minimize void spaces.
- iii) Alternative specifications may be utilized provided that the performance of the low permeability layer is equal to or superior to the performance of a layer meeting the requirements of subsections (b)(3)(A)(i) and (b)(3)(A)(ii).

B) A geomembrane constructed in accordance with the following standards:

- i) The geomembrane shall provide performance equal or superior to the compacted earth layer described in subsection (b)(3)(A).
- ii) The geomembrane shall have strength to withstand the normal stresses imposed by the waste stabilization process.
- iii) The geomembrane shall be placed over a prepared base free from sharp objects and other materials which may cause damage.

C) Any other low permeability layer construction techniques or materials, provided that they provide equivalent or superior performance to the requirements of this subsection.

c) Standards for the Final Protective Layer

- 1) The final protective layer shall cover the entire low

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permeability layer.

- 2) The thickness of the final protective layer shall be sufficient to protect the low permeability layer from freezing and minimize root penetration of the low permeability layer, but shall not be less than 0.91 meter (3 feet).
- 3) The final protective layer shall consist of soil material capable of supporting vegetation.
- 4) The final protective layer shall be placed as soon as possible after placement of the low permeability layer to prevent desiccation, cracking, freezing or other damage to the low permeability layer.

Section 811.315 Hydrogeologic Site Investigations

a) Purpose

The operator shall conduct a hydrogeologic investigation to develop hydrogeologic information for the following uses:

- 1) Provide information to perform a groundwater impact assessment; and
- 2) Provide information to establish a groundwater monitoring system.

b) General Requirements

- 1) The investigation shall be conducted in a minimum of three phases prior to submission of any application to the Agency for a permit to develop and operate a landfill facility.
- 2) The study area shall consist of the entire area occupied by the facility and any adjacent areas, if necessary for the purposes of the hydrogeological investigation set forth in subsection (a).
- 3) All borings shall be sampled continuously at all recognizable points of geologic variation, except that where continuous sampling is impossible or where non-continuous sampling can provide equivalent information, samples shall be obtained at intervals no greater than 1.52 meters (five feet) in homogeneous strata.

c) Minimum Requirements for a Phase I Investigation

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- 1) The operator shall conduct a Phase I Investigation to develop the following information:

- A) Climatic aspects of the study area;
- B) The regional and study area geologic setting, including a description of the geomorphology and stratigraphy of the area;
- C) The regional groundwater regime including water table depths and aquifer characteristics; and
- D) Information for the purpose of designing a Phase II Hydrogeologic Investigation.

2) Specific Requirements

- A) The regional hydrogeologic setting of the unit shall be established by using material available from all possible sources, including, but not limited to, the Illinois Scientific Surveys, the Agency, other State and Federal organizations, water well drilling logs, and previous investigations.
- B) A minimum of one continuously sampled boring shall be drilled on the site, as close as feasible to the geographic center, to determine if the available regional hydrogeologic setting information is accurate and to characterize the site-specific hydrogeology to the extent specified by this phase of the investigation. The boring shall extend at least 15.2 meters (50 feet) below the bottom of the uppermost aquifer or through the full depth of the confining layer below the uppermost aquifer, or to bedrock, if the bedrock is below the uppermost aquifer, whichever elevation is higher. The locations of any additional borings, required under this subsection, may be chosen by the investigator, but shall be sampled continuously.

d) Minimum Requirements for a Phase II Investigation

- 1) Information to be developed

Using the information developed in the Phase I survey, a Phase II study shall be conducted to collect the site-specific information listed below as needed to augment data collected during the Phase I investigation and to prepare for the Phase III investigation:

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- A) Structural characteristics and distribution of underlying strata including bedrock;
- B) Chemical and physical properties including, but not limited to, lithology, mineralogy, and hydraulic characteristics of underlying strata including those below the uppermost aquifer;
- C) Soil characteristics, including soil types, distribution, geochemical and geophysical characteristics;
- D) The hydraulic conductivities of the uppermost aquifer and all strata above it;
- E) The vertical extent of the uppermost aquifer;
- F) The direction and rate of groundwater flow.

2) Specific Requirements

- A) One boring shall be located as close as feasible to the topographical high point, and another shall be located as close as feasible to the topographical low point of the study area.
- B) At least one boring shall be at or near each corner of the site. Where the property is irregularly shaped the borings shall be located near the boundary in a pattern and spacing necessary to obtain data over the entire study area.
- C) Additional borings may be located at intermediate points at locations and spacings necessary to establish the continuity of the stratigraphic units.
- D) Piezometers and groundwater monitoring wells shall be established to determine the direction and flow characteristics of the groundwater in all strata and extending down to the bottom of the uppermost aquifer. Groundwater samples taken from such monitoring wells shall be used to develop preliminary information needed for establishing background concentrations in accordance with subsection (e)(1)(G).
- E) Other methods may be utilized to confirm or accumulate additional information. Such methods may be used only

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as a supplement to, not in lieu of, site-specific boring information. Other methods include, but are not limited to, geophysical well logs, geophysical surveys, aerial photography, age dating, and test pits.

concentrations above PQL, as defined in Section 811.319(a)(4) for that constituent;

e) Minimum Standards for a Phase III Investigation

- 1) Using the information developed during the Phase I and Phase II Investigations, the operator shall conduct a Phase III Investigation. This investigation shall be conducted to collect or augment the site-specific information needed to carry out the following:

A) Verification and reconciliation of the information collected in the Phase I and II investigations;

B) Characterization of potential pathways for contaminant migration;

C) Correlation of stratigraphic units between borings;

D) Continuity of petrographic features including, but not limited to, sorting, grain size distribution, cementation and hydraulic conductivity;

E) Identification of zones of potentially high hydraulic conductivity;

F) Identification of the confining layer, if present;

G) Concentrations of chemical constituents present in the groundwater below the unit, down to the bottom of the uppermost aquifer, using a broad range of chemical analysis and detection procedures such as, gas chromatographic and mass spectrometric scanning. However, additional measurements and procedures shall be carried out to establish background concentrations, in accordance with Section 811.320(d), for:

- i) Any constituent for which there is a public or food processing water supply standard at 35 Ill. Adm. Code 302 established by the Board and which is expected to appear in the leachate; and
- ii) Any other constituent for which there is no Board-established standard, but which is expected to appear in the leachate at

- H) Characterization of the seasonal and temporal, naturally and artificially induced, variations in groundwater quality and groundwater flow; and
- I) Identification of unusual or unpredicted geologic features, including: fault zones, fracture traces, facies changes, solution channels, buried stream deposits, cross cutting structures and other geologic features that may affect the ability of the operator to monitor the groundwater or predict the impact of the disposal facility on groundwater.

- 2) In addition to the specific requirements applicable to phase I and II investigations, the operator shall collect information needed to meet the minimum standards of a phase III investigation by using methods that may include, but not limited to excavation of test pits, additional borings located at intermediate points between boreholes placed during phase I and II investigations, placement of piezometers and monitoring wells, and institution of procedures for sampling and analysis.

- f) The operator may conduct the hydrogeologic investigation in any number of alternative ways provided that the necessary information is collected in a systematic sequence consisting of at least three phases that is equal to or superior to the investigation procedures of this Section.

Section 811.316 Plugging and Sealing of Drill Holes

All drill holes, including exploration borings that are not converted into monitoring wells, monitoring wells that are no longer necessary to the operation of the site, and other holes that may cause or facilitate contamination of groundwater shall be sealed in accordance with the following standards:

- a) If not sealed or plugged immediately, the drill hole shall be covered to prevent injury to people or animals.
- b) All drill holes no longer intended for use shall be back-filled with materials that are compatible with the geochemistry of the site and with the leachate in sufficient quantities and in such a way as to prevent the creation of a pathway for contaminants to migrate.

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- c) For drill holes in gravels and other permeable strata where a watertight seal is not necessary to prevent the creation of a pathway, drill cuttings and other earthen materials may be utilized as backfill.
- d) All excess drilling mud, oil, drill cuttings, and any other contaminated materials uncovered during or created by drilling shall be disposed of in accordance with the requirements of 35 Ill. Adm. Code 700 through 749, 807 and 809 through 815.
- e) The operator shall restore the area around the drill hole to its original condition.

Section 811.317 Groundwater Impact Assessment

The impacts of the seepage of leachate from the unit shall be assessed in a systematic fashion using the techniques described in this Section.

- a) Procedures for Performing the Groundwater Impact Assessment
 - 1) The operator shall estimate the amount of seepage from the unit during operations which assume:
 - A) That the minimum design standards for slope configuration, cover, liner, leachate drainage and collection system apply; and
 - B) That the actual design standards planned for the unit apply. Other designs for the unit may be used if determined by the operator to be appropriate to demonstrate the impacts to groundwater, pursuant to subsection (b).
 - 2) The concentration of constituents in the leachate shall be determined from actual leachate samples from the waste or similar waste, or laboratory derived extracts.
 - 3) A contaminant transport model meeting the standards of subsection (c) shall be utilized to estimate the concentrations of the leachate constituents over time and space. The Agency must review a groundwater contaminant transport model for acceptance in accordance with 35 Ill. Adm Code 813.111.
- b) Acceptable Groundwater Impact Assessment

The groundwater contaminant transport (GCT) model results shall be used in the assessment of the groundwater impact. The groundwater

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impact shall be considered acceptable if the GCT model predicts that the concentrations of all the constituents of the leachate outside the zone of attenuation are less than the applicable groundwater quality standards of Section 811.320, within 100 years of closure of the unit.

c) Standards for the Contaminant Transport Model

- 1) The model shall have supporting documentation that establishes its ability to represent groundwater flow and contaminant transport and any history of its previous applications.
- 2) The set of equations representing groundwater movement and contaminant transport must be theoretically sound and well documented.
- 3) The numerical solution methods must be based upon sound mathematical principles and be supported by verification and checking techniques.
- 4) The model must be calibrated against site specific field data developed pursuant to this Part.
- 5) A sensitivity analysis shall be conducted to measure the model's response to changes in the values assigned to major parameters, specified error tolerances, and numerically assigned space and time discretizations.
- 6) Mass balance calculations on selected elements in the model shall be performed to verify physical validity. Where the model does not prescribe the amount of mass entering the system as a boundary condition, this step may be ignored.
- 7) The values of the model's parameters requiring site specific data shall be based upon actual field or laboratory measurements.
- 8) The values of the model's parameters which do not require site specific data shall be supported by laboratory test results or equivalent methods documenting the validity of the chosen parametric values.

Section 811.318

Design, Construction and Operation of Groundwater Monitoring Systems

- a) All potential sources of discharges to groundwater within the facility, including, but not limited to, all waste disposal units

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and the leachate management system, shall be identified and studied through a network of monitoring wells operated during the active life of the unit and for the time after closure specified in accordance with Section 811.319. Monitoring wells designed and constructed as part of the monitoring network shall be maintained along with records that include, but are not limited to, exact well location, well size, type of well, the design and construction practice used in its installation and well and screen depths.

b) Standards for the Location of Monitoring Points

- 1) A network of monitoring points shall be established at sufficient locations downgradient with respect to groundwater flow and not excluding the downward direction, to detect any discharge of contaminants from any part of a potential source of discharge.
- 2) Monitoring wells shall be located in stratigraphic horizons that could serve as contaminant migration pathways.
- 3) Monitoring wells shall be established as close to the potential source of discharge as possible without interfering with the waste disposal operations, and within half the distance from the edge of the potential source of discharge to the edge of the zone of attenuation downgradient, with respect to groundwater flow, from the source.
- 4) The network of monitoring points of several potential sources of discharge within a single facility may be combined into a single monitoring network, provided that discharges from any part of all potential sources can be detected.
- 5) A minimum of at least one monitoring well shall be established at the edge of the zone of attenuation and shall be located downgradient with respect to groundwater flow and not excluding the downward direction, from the unit. Such well or wells shall be used to monitor any statistically significant increase in the concentration of any constituent, in accordance with Section 811.320(e) and shall be used for determining compliance with an applicable groundwater quality standard of Section 811.320. An observed statistically significant increase above the applicable groundwater quality standards of Section 811.320 in a well located at or beyond the compliance boundary shall constitute a violation.

c) Maximum Allowable Predicted Concentrations

The operator shall use the same calculation methods, data, and assumptions as used in the groundwater impact assessment to predict the concentration over time and space of all constituents chosen to be monitored in accordance with Section 811.319 at all monitoring points. The predicted values shall be used to establish the maximum allowable predicted concentrations (MAPC) at each monitoring point. The MAPCs calculated in this subsection shall be applicable within the zone of attenuation.

d) Standards for Monitoring Well Design and Construction

- 1) All monitoring wells shall be cased in a manner that maintains the integrity of the bore hole. The casing material shall be inert so as not to affect the water sample. Casing requiring solvent-cement type couplings shall not be used.
- 2) Wells shall be screened to allow sampling only at the desired interval. Annular space between the borehole wall and well screen section shall be packed with gravel sized to avoid clogging by the material in the zone being monitored. The slot size of the screen shall be designed to minimize clogging. Screens shall be fabricated from material expected to be inert with respect to the constituents of the groundwater to be sampled.
- 3) Annular space above the well screen section shall be sealed with a relatively impermeable, expandable material such as a cement/bentonite grout, which does not react with or in any way affect the sample, in order to prevent contamination of samples and groundwater and avoid interconnections. The seal shall extend to the highest known seasonal groundwater level.
- 4) The annular space shall be back-filled with expanding cement grout from an elevation below the frost line and mounded above the surface and sloped away from the casing so as to divert surface water away.
- 5) The annular space between the upper and lower seals and in the unsaturated zone may be back-filled with uncontaminated cuttings.
- 6) All wells shall be covered with vented caps and equipped with devices to protect against tampering and damage.

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- 7) All wells shall be developed to allow free entry of water, minimize turbidity of the sample, and minimize clogging.
- 8) The transmissivity of the zone surrounding all well screens shall be established by field testing techniques.
- 9) Other sampling methods and well construction techniques may be utilized if they provide equal or superior performance to the requirements of this subsection.

e) Standards for Sample Collection and Analysis

- 1) The groundwater monitoring program shall include consistent sampling and analysis procedures to assure that monitoring results can be relied upon to provide data representative of groundwater quality in the zone being monitored.
- 2) The operator shall utilize procedures and techniques to insure that collected samples are representative of the zone being monitored and that prevent cross contamination of samples from other monitoring wells or from other samples. At least 95 percent of a collected sample shall consist of groundwater from the zone being monitored.
- 3) The operator shall establish a quality assurance program that provides quantitative detection limits and the degree of error for analysis of each chemical constituent.
- 4) The operator shall establish a sample preservation and shipment procedure that maintains the reliability of the sample collected for analysis.
- 5) The operator shall institute a chain of custody procedure to prevent tampering and contamination of the collected samples prior to completion of analysis.
- 6) At a minimum, the operator shall sample the following parameters at all wells at the time of sample collection and immediately before filtering and preserving samples for shipment:
 - A) The elevation of the water table;
 - B) The depth of the well below ground;
 - C) pH;

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- D) The temperature of the sample; and
- E) Specific Conductance.

Section 811.319 Groundwater Monitoring Programs

a) Detection Monitoring Program

Any use of the term "maximum allowable predicted concentration" in this Section is a reference to 35 Ill. Adm. Code 811.318(c). The operator shall implement a detection monitoring program in accordance with the following requirements:

1) Monitoring Schedule and Frequency

- A) The monitoring period shall begin as soon as waste is placed into the unit of a new landfill or within one year of the effective date of this Part for an existing landfill. Monitoring shall continue for a minimum period of fifteen years after closure. The operator shall sample all monitoring points for all potential sources of contamination on a quarterly basis except as specified in subsection (a)(3) or may institute more frequent sampling throughout the time the source constitutes a threat to groundwater. For the purposes of this section, the source shall be considered a threat to groundwater, if the results of the monitoring indicate that the concentrations of any of the constituent monitored within the zone of attenuation are above the maximum allowable predicted concentration for that constituent.

- B) Beginning fifteen years after closure of the unit, or five years after all other potential sources of discharge no longer constitute a threat to groundwater, as defined in subsection (a)(1)(A), the monitoring frequency may change on a well by well basis to an annual schedule if either of the following conditions exist. However, monitoring shall return to a quarterly schedule at any well where a statistically significant increase is determined to have occurred in accordance with Section 811.320(e), in the concentration of any constituent with respect to the previous sample.

- i) All constituents monitored within the zone of attenuation have returned to a concentration less than or equal to ten percent of the maximum

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allowable predicted concentration; or

- ii) All constituents monitored within the zone of attenuation are less than or equal to their maximum allowable predicted concentration for eight consecutive quarters.

- C) Monitoring shall be continued for a minimum period of five years after closure or, in the case of landfills, other than those used exclusively for disposing waste generated at the site, a minimum period of fifteen years after closure. Monitoring, beyond the minimum period, may be discontinued under the following conditions:

- i) No statistically significant increase is detected in the concentration of any constituent above that measured and recorded during the immediately preceding scheduled sampling for three consecutive years, after changing to an annual monitoring frequency; or
- ii) Immediately after contaminated leachate is no longer generated by the unit.

2) Criteria for Choosing Constituents to be Monitored

- A) The operator shall monitor each well for constituents that will provide a means for detecting groundwater contamination. Constituents shall be chosen for monitoring if they meet the following requirements:

- i) The constituent appears in, or is expected to be in, the leachate; and
- ii) The Board has established for the constituent a public or food processing water supply standard, at 35 Ill. Adm. Code 302, the Board has established a groundwater quality standard under the Illinois Groundwater Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 7451 et seq.), or the constituent may otherwise cause or contribute to groundwater contamination.

- B) One or more indicator constituents, representative of the transport processes of constituents in the leachate, may be chosen for monitoring in place of the constituents it represents. The use of such indicator

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constituents must be included in an Agency approved permit.

3) Organic Chemicals Monitoring

The operator shall monitor each existing well that is being used as a part of the monitoring well network at the facility within one year of the effective date of this Part, and monitor each new well within three months of its establishment. The monitoring required by this subsection shall be for a broad range of organic chemical contaminants in accordance with the procedures described below:

- A) The analysis shall be at least as comprehensive and sensitive as the tests for;
 - i) The 51 organic chemicals in drinking water described at 40 CFR 141.40 (1988), incorporated by reference at 35 Ill. Adm. Code 810.104; and
 - ii) Any other organic chemical for which a groundwater quality standard or criterion has been adopted pursuant to Section 14.4 of the Act or Section 8 of the Illinois Groundwater Protection Act.

- B) At least once every two years, the operator shall monitor each well in accordance with subsection (a)(1)(A).

4) Confirmation of Monitored Increase

- A) The confirmation procedures of this subsection shall be used only if the concentrations of the constituents monitored can be measured at or above the practical quantitation limit (PQL). The PQL is defined as the lowest concentration that can be reliably measured within specified limits of precision and accuracy, under routine laboratory operating conditions. The operator shall institute the confirmation procedures of subsection (a)(4)(B) after notifying the Agency in writing, within 10 days, of the following observed increases:

- i) The concentration of any constituent monitored in accordance with subsection (a)(1) and (a)(2) shows a progressive increase over four consecutive quarters;

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- ii) The concentration of any constituent exceeds the maximum allowable predicted concentration at an established monitoring point within the zone of attenuation;
- iii) The concentration of any constituent monitored in accordance with subsection (a)(3) exceeds the preceding measured concentration at any established monitoring point; and
- iv) The concentration of any constituent monitored at or beyond the zone of attenuation exceeds the applicable groundwater quality standards of Section 811.320.
- B) The confirmation procedures shall include the following:
- i) The operator shall verify any observed increase by taking additional samples within 45 days of the initial observation and ensure that the samples and sampling protocol used will detect any statistically significant increase in the concentration of the suspect constituent in accordance with subsection 811.320(e), so as to confirm the observed increase. The operator shall notify the Agency of any confirmed increase before the end of the next business day following the confirmation.
- ii) The operator shall determine the source of any confirmed increase, which may include, but shall not be limited to, natural phenomena, sampling or analysis errors, or an off-site source.
- iii) The operator shall notify the Agency in writing of any confirmed increase and state the source of the confirmed increase and provide the rationale used in such a determination within ten days of the determination.

b) Assessment Monitoring

The operator shall begin an assessment monitoring program in order to confirm that the solid waste disposal facility is the source of the contamination and to provide information needed to carry out a groundwater impact assessment in accordance with subsection (c).

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The assessment monitoring program shall be conducted in accordance with the following requirements:

- 1) The assessment monitoring shall be conducted to collect information to assess the nature and extent of groundwater contamination, which shall consist of, but not be limited to, the following steps:
- A) More frequent sampling of the wells in which the observation occurred;
- B) More frequent sampling of any surrounding wells;
- C) The placement of additional monitoring wells to determine the source and extent of the contamination;
- D) Monitoring of additional constituents that might indicate the source and extent of contamination; and
- E) Any other investigative techniques that will assist in determining the nature and extent of the contamination.
- 2) The operator of the facility for which assessment monitoring is required shall file the plans for an assessment monitoring program with the Agency. If the facility is permitted by the Agency, then the plans shall be filed for review as a significant permit modification pursuant to 35 Ill. Adm. Code 813.Subpart B. The assessment monitoring program shall be implemented within 90 days of confirmation of any monitored increase in accordance with subsection (a)(4) or, in the case of permitted facilities, within 90 days of Agency approval.
- 3) If the analysis of the assessment monitoring data shows that the concentration of one or more constituents, monitored at or beyond the zone of attenuation is above the applicable groundwater quality standards of Section 811.320 and is attributable to the solid waste disposal facility, then the operator shall determine the nature and extent of the groundwater contamination including an assessment of the potential impact on the groundwater should waste continue to be accepted at the facility and shall implement remedial action in accordance with subsection (d).
- 4) If the analysis of the assessment monitoring data shows that the concentration of one or more constituents is attributable to the solid waste disposal facility and

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exceeds the maximum allowable predicted concentration within the zone of attenuation, then the operator shall conduct a groundwater impact assessment in accordance with the requirements of subsection (c).

3) The operator shall implement the plan for remedial action within 90 days of the following:

- A) Completion of the groundwater impact assessment under subsection (c) that requires remedial action;
- B) Establishing that a violation of an applicable groundwater quality standard of Section 811.320 is attributable to the solid waste disposal facility in accordance with subsection (b)(3); or
- C) Agency approval of the remedial action plan, where the facility has been permitted by the Agency.

4) The remedial action program shall consist of one or a combination of one or more of the following solutions:

- A) Retrofit additional groundwater protective measures within the unit;
- B) Construct an additional hydraulic barrier, such as a cutoff wall or slurry wall system;
- C) Pump and treat the contaminated groundwater; or
- D) Any other equivalent technique which will prevent further contamination of groundwater.

5) Termination of the Remedial Action Program

- A) The remedial action program shall continue in accordance with the plan until monitoring shows that the concentrations of all monitored constituents are below the maximum allowable predicted concentration within the zone of attenuation, and below the applicable groundwater quality standards of Section 811.320 at or beyond the zone of attenuation, over a period of 4 consecutive quarters.

- B) The operator shall submit to the Agency all information collected under subsection (d)(5)(A). If the facility is permitted then the operator shall submit this information as significant modification of the permit.

Section 811.320 Groundwater Quality Standards

c) Assessment of Potential Groundwater Impact

An operator required to conduct a groundwater impact assessment in accordance with subsection (b)(4) shall assess the potential impacts outside the zone of attenuation that may result from confirmed increases above the maximum allowable predicted concentration within the zone of attenuation, attributable to the facility, in order to determine if there is need for remedial action. In addition to the requirements of Section 811.317, the following shall apply:

- 1) The operator shall utilize any new information developed since the initial assessment and information from the detection and assessment monitoring programs and such information may be used for the recalibration of the GCT model; and
- 2) The operator shall submit the groundwater impact assessment and any proposed remedial action plans determined necessary pursuant to subsection (d) to the Agency within 180 days of the start of the assessment monitoring program.

d) Remedial Action

- 1) The operator shall submit plans for the remedial action to the Agency. Such plans and all supporting information including data collected during the assessment monitoring shall be submitted within 90 days of determination of either of the following:

A) The groundwater impact assessment performed in accordance with subsection (c), indicates that remedial action is needed; or

B) Any confirmed increase above the applicable groundwater quality standards of Section 811.320 is determined to be attributable to the solid waste disposal facility in accordance with subsection (b).

- 2) If the facility has been issued a permit by the Agency, then the operator shall submit this information as an application for significant modification to the permit;

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a) Applicable Groundwater Quality Standards

- 1) Groundwater quality shall be maintained at each constituent's background concentration, at or beyond the zone of attenuation. The applicable groundwater quality standard established for any constituent shall be:

- A) The background concentration; or
 - B) The Board established standard adjusted by the Board in accordance with the justification procedure of subsection (b).
- 2) Any statistically significant increase above an applicable groundwater quality standard established pursuant to subsection (a) that is attributable to the facility and which occurs at or beyond the zone of attenuation within 100 years after closure of the last unit accepting waste within such a facility shall constitute a violation.

3) For the purposes of this Part:

- A) "Background concentration" means that concentration of a constituent that is established as the background in accordance with subsection (d); and
- B) "Board established standard" is the concentration of a constituent adopted by the Board as a standard for public and food processing water supplies under 35 Ill. Adm. Code 302 or as a groundwater quality standard adopted by the Board pursuant to Section 14.4 of the Act or Section 8 of the Illinois Groundwater Protection Act, whichever is lower.

b) Justification for Adjusted Groundwater Quality Standards

- 1) An operator may petition the Board for an adjusted groundwater quality standard in accordance with the procedures specified in Section 28.1 of the Act and 35 Ill. Adm. Code 106.410 through 106.416.
- 2) For groundwater which contains naturally occurring constituents which meet the requirements of 35 Ill. Adm. Code 302.301, 302.304, and 302.305, the Board will specify adjusted groundwater quality standards no greater than those of 35 Ill. Adm. Code 302.301, 302.304, and 302.305, upon a demonstration by the operator that:

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- A) The change in standards will not interfere with, or become injurious to, any present or potential beneficial uses for such waters;
 - B) The change in standards is necessary for economic or social development, by providing information including, but not limited to, the impacts of the standards on the regional economy, social disbenefits such as loss of jobs or closing of landfills, and economic analysis contrasting the health and environmental benefits with costs likely to be incurred in meeting the standards; and
 - C) All technically feasible and economically reasonable methods are being used to prevent the degradation of the groundwater quality.
- 3) For groundwater which contains naturally occurring constituents which do not meet the standards of 35 Ill. Adm. Code 302.301, 302.304, and 302.305, the Board will specify adjusted groundwater quality standards, upon a demonstration by the operator that:
 - A) The groundwater does not presently serve as a source of drinking water;
 - B) The change in standards will not interfere with, or become injurious to, any present or potential beneficial uses for such waters;
 - C) The change in standards is necessary for economic or social development, by providing information including, but not limited to, the impacts of the standards on the regional economy, social disbenefits such as loss of jobs or closing of landfills, and economic analysis contrasting the health and environmental benefits with costs likely to be incurred in meeting the standards; and
 - D) The groundwater cannot presently, and will not in the future, serve as a source of drinking water because:
 - i) It is impossible to remove water in usable quantities;
 - ii) The groundwater is situated at a depth or location such that recovery of water for

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drinking purposes is not technologically feasible or economically reasonable;

iii) The groundwater is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption;

iv) The total dissolved solids content of the groundwater is more than 3,000 mg/l and that water will not be used to serve a public water supply system; or

v) The total dissolved solids content of the groundwater exceeds 10,000 mg/l.

c) Determination of the Zone of Attenuation

1) The zone of attenuation, within which concentrations of constituents in leachate discharged from the unit may exceed the applicable groundwater quality standard of this Section, is a volume bounded by a vertical plane at the property boundary or 100 feet from the edge of the unit, whichever is less, extending from the ground surface to the bottom of the uppermost aquifer and excluding the volume occupied by the waste.

2) Zones of attenuation shall not extend to the annual high water mark of navigable surface waters.

3) Overlapping zones of attenuation from units within a single facility may be combined into a single zone for the purposes of establishing a monitoring network.

d) Establishment of Background Concentrations

1) The initial monitoring to determine background concentrations shall commence during the hydrogeological assessment required by Section 811.315. The background concentrations for those parameters identified in Sections 811.315(e)(1)(G) and 811.319(a)(2) and (a)(3) shall be established based on quarterly sampling of wells for one year, monitored in accordance with the requirements of subsections (d)(2), (d)(3) and (d)(4), which may be adjusted during the operation of a facility. Statistical tests and procedures shall be employed, in accordance with subsection (e), depending on the number, type and frequency of samples collected from the wells, to establish the background concentrations. Adjustments to the background

concentrations shall be made only if changes in the concentrations of constituents observed in upgradient wells over time are determined, in accordance with subsection (e), to be statistically significant. Background concentrations determined in accordance with this subsection shall be used for the purposes of establishing groundwater quality standards, in accordance with subsection (a). The operator shall prepare a list of the background concentrations established in accordance with this subsection. The operator shall maintain such a list at the facility, shall submit a copy of the list to the Agency for establishing standards in accordance with subsection (a), and shall provide updates to the list within ten days of any change to the list.

2) A network of monitoring wells shall be established upgradient from the unit, with respect to groundwater flow, in accordance with the following standards, in order to determine the background concentrations of constituents in the groundwater:

A) The wells shall be located at such a distance that discharges of contaminants from the unit will not be detectable;

B) The wells shall be sampled at the same frequency as other monitoring points to provide continuous background concentration data, throughout the monitoring period; and

C) The wells shall be located at several depths to provide data on the spatial variability.

3) A determination of background concentrations may include the sampling of wells that are not hydraulically upgradient of the waste unit where:

A) Hydrogeologic conditions do not allow the owner or operator to determine what wells are hydraulically upgradient of the waste; and

B) Sampling at other wells will provide an indication of background concentrations that is representative of that which would have been provided by upgradient wells.

4) If background concentrations cannot be determined on site, then alternative background concentrations may be determined

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from actual monitoring data from the aquifer of concern, which includes, but is not limited to, data from another landfill site that overlies the same aquifer.

e) Statistical Analysis of Groundwater Monitoring Data

- 1) Statistical tests shall be used to analyze groundwater monitoring data. One or more of the normal theory statistical tests listed in subsection (e)(4) shall be chosen first for analyzing the data set or transformations of the data set. Where such normal theory tests are demonstrated to be inappropriate, tests listed in subsection (e)(5) or a test in accordance with subsection (e)(6) shall be used. Any statistical test chosen from subsections (e)(4) or (e)(5), the level of significance (Type I error level) shall be no less than 0.01, for individual well comparisons, and no less than 0.05, for multiple well comparisons. The statistical analysis shall include, but not be limited to, the accounting of data below the detection limit of the analytical method used, the establishment of background concentrations and the determination of whether statistically significant changes have occurred in:

- A) The concentration of any chemical constituent with respect to the background concentration or maximum allowable predicted concentration; and
- B) The established background concentration of any chemical constituents over time.

- 2) The statistical test or tests used shall be based upon the sampling and collection protocol of Sections 811.318 and 811.319.

- 3) Monitored data that are below the level of detection shall be reported as not detected (ND). The level of detection for each constituent shall be the minimum concentration of that constituent which can be measured and reported with 99 percent confidence that the true value is greater than zero, which is defined as the method detection limit (MDL). The following procedures shall be used to analyze such data, unless an alternative procedure in accordance with subsection (e)(6), is shown to be applicable:

- A) Where the percentage of nondetects in the data base used is less than 15 percent, the operator shall replace NDs with the MDL divided by two, then proceed

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with the use of one or more of the Normal Theory statistical tests listed in subsection (e)(4);

- B) Where the percentage of nondetects in the data base or data transformations used is between 15 and 50 percent, and the data are normally distributed, the operator shall use Cohen's adjustment to the sample mean and standard deviation, followed by one or more of the tests listed in subsection (e)(4)(C). However, where data are not normally distributed, the operator shall use an applicable nonparametric test from subsection (e)(5);

- C) Where the percentage of nondetects in the database used is above 50 percent, then the owner or operator shall use the test of proportions listed in subsection (e)(4).

4) Normal theory statistical tests:

- A) Student t-test including, but not limited to, Cochran's Approximation to the Behren-Fisher (CABF) t-test and Averaged Replicate (AR) t-test.

- B) Parametric analysis of variance (ANOVA) followed by one or more of the multiple comparison procedures including, but not limited to, Fisher's Least Significant Difference (LSD), Student Newman-Kuel procedure, Duncan's New Multiple Range Test and Tukey's W procedure.

- C) Control Charts, Prediction Intervals and Tolerance Intervals, for which the type I error levels shall be specified by the Agency in accordance with the requirements of 35 Ill. Adm. Code 724.197(i).

- 5) Nonparametric statistical tests shall include: Mann-Whitney U-test, Kruskal-Wallis test, a nonparametric analysis of variance (ANOVA) for multiple comparisons or the Wilcoxon Rank Sum test.

- 6) Any other statistical test based on the distribution of the sampling data may be used, if it is demonstrated to meet the requirements of 35 Ill. Adm Code 724.197(i).

Section 811.321 Waste Placement

- a) Phasing of Operations

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- 1) Waste disposal operations shall move from the lowest portions of the unit to the highest portions. Except as provided in subsection (a)(2), the placement of waste shall begin in the lowest part of the active face of the unit, located in the part of the facility most downgradient with respect to groundwater flow.
- 2) The operator may dispose of wastes in areas other than those specified in subsection (a)(1) only under any of the following conditions:
 - A) Climatic conditions, such as wind and precipitation, are such that the placement of waste in the bottom of the unit would cause water pollution, litter or damage to any part of the liner;
 - B) The topography of the land surrounding the unit makes the procedure of subsection (a)(1) environmentally unsound, for example, because steep slopes surround the unit; or
 - C) When groundwater monitoring wells, constructed in accordance with the requirements of Section 811.319, are placed 50 feet, or less, downgradient from the filled portions of the unit.

b) Initial Waste Placement

- 1) Construction, compaction and earth moving equipment shall be prohibited from operating directly on the leachate collection piping system until a minimum of five feet of waste has been mounded over the system.
- 2) Construction, compaction and earth moving equipment shall be prohibited from operating directly on the leachate drainage blanket. Waste disposal operations shall begin at the edge of the drainage layer by carefully pushing waste out over the drainage layer.
- 3) An initial layer of waste, a minimum of five feet thick, shall be placed over the entire drainage blanket immediately after construction, but prior to the onset of weather conditions that may cause the compacted earth liner to freeze.
- 4) Waste shall not be placed over areas that are subject to freezing conditions until the liner has been inspected,

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tested, and reconstructed (if necessary) to meet the requirements of Section 811.306.

Section 811.322 Final Slope and Stabilization

- a) All final slopes shall be designed and constructed to a grade capable of supporting vegetation and which minimizes erosion.
- b) All slopes shall be designed to drain runoff away from the cover and which prevents ponding. No standing water shall be allowed anywhere in or on the unit.
- c) Vegetation
 - 1) Vegetation shall be promoted on all reconstructed surfaces to minimize wind and water erosion of the final protective cover;
 - 2) Vegetation shall be compatible with the climatic conditions;
 - 3) Vegetation shall require little maintenance;
 - 4) Vegetation shall consist of a diverse mix of native and introduced species that is consistent with the postclosure land use;
 - 5) Vegetation shall be tolerant of the landfill gas expected to be generated;
 - 6) The root depth of the vegetation shall not exceed the depth of the final protective cover system; and
 - 7) Temporary erosion control measures, including but not limited to mulch straw, netting and chemical soil stabilizers, shall be undertaken while vegetation is being established.
- d) Structures Constructed Over the Unit
 - 1) Structures constructed over the unit must be compatible with the land use;
 - 2) Such structures shall be designed to vent gases away from the interior; and
 - 3) Such structures must in no way interfere with the operation of a cover system, gas collection system, leachate collection system or any monitoring system.

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Section 811.323 Load Checking Program

- a) The operator shall implement a load checking program that meets the requirements of this Section, for detecting and discouraging attempts to dispose regulated hazardous wastes at the facility. For purposes of this Section and Section 811.406, "regulated hazardous wastes" are wastes defined as such under RCRA, at 35 Ill. Adm. Code 721, and subject to regulations under 35 Ill. Adm. Code: Subtitle G.

- b) The load checking program shall consist of, at a minimum, the following components:

1) Random inspections

- A) An inspector designated by the facility shall examine at least three random loads of solid waste delivered to the landfill on a random day each week. The drivers randomly selected by the inspector shall be directed to discharge their loads at a separate, designated location within the facility. The facility shall conduct a detailed inspection of the discharged material for any regulated hazardous or other unacceptable wastes that may be present. Cameras or other devices may be used to record the visible contents of solid waste shipments. Where such devices are employed, their use should be designated on a sign posted near the entrance to the facility.

- B) If regulated hazardous wastes or other unacceptable wastes are suspected, the facility shall communicate with the generator, hauler or other party responsible for shipping the waste to the facility to determine the identity of the waste.

2) Recording inspection results

Information and observations derived from each random inspection shall be recorded in writing and retained at the facility for at least three years. The recorded information shall include, at a minimum, the date and time of the inspection; the names of the hauling firm and the driver of the vehicle; the vehicle license plate number; the source of the waste, as stated by the driver; and observations made by the inspector during the detailed inspection. The written record shall be signed by both the inspector and the driver.

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3) Training

The solid waste management facility shall train designated inspectors, equipment operators, weigh station attendants, spotters at large facilities, and all other appropriate facility personnel in the identification of potential sources of regulated hazardous wastes. The training program shall emphasize familiarity with containers typically used for regulated hazardous wastes and with labels for regulated hazardous wastes, under RCRA, and for hazardous materials under the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.).

c) Handling Regulated Hazardous Wastes

- 1) If any regulated hazardous wastes are identified by random load checking, or are otherwise discovered to be improperly deposited at the facility, the facility shall promptly notify the Agency, the person responsible for shipping the wastes to the landfill, and the generator of the wastes, if known. Waste loads identical to the regulated hazardous waste identified through the random load checking which have not yet been deposited in the landfill shall not be accepted. The area where the wastes are deposited shall immediately be cordoned off from public access. The solid waste management facility shall assure the cleanup, transportation and disposal of the waste at a permitted hazardous waste management facility.

- 2) The party responsible for transporting the waste to the solid waste management facility shall be responsible for the costs of such proper cleanup, transportation and disposal.

- 3) Subsequent shipments by persons or sources found or suspected to be previously responsible for shipping regulated hazardous waste shall be subject to the following special precautionary measures prior to the solid waste management facility accepting wastes. The operator shall use precautionary measures such as questioning the driver concerning the waste contents prior to discharge and visual inspection during the discharge of the load at the working face or elsewhere.

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SUBPART D: MANAGEMENT OF SPECIAL WASTES AT LANDFILLS

Section 811.401 Scope and Applicability

- a) This subpart applies to all landfills permitted by the Agency pursuant to Section 21 of the Act, including landfills operated on-site, with or without a permit, that accept special wastes.
- b) The standards of this Subpart apply in addition to the standards of 35 Ill. Adm. Code 809.
- c) Inspection, testing or acceptance of waste by a solid waste management facility shall not relieve the generator or transporter of responsibility for compliance with the requirements of 35 Ill. Adm. Code: Subtitle G.

Section 811.402 Notice to Generators and Transporters

A prominent sign at the entrance to each solid waste management facility shall state that disposal of hazardous waste is prohibited and, if it is a facility permitted by the Agency to accept special wastes pursuant to 35 Ill. Adm. Code 807, also state that special waste will be accepted only if accompanied by an identification record and a manifest, unless such waste is exempted from the manifest requirements of this Part and 35 Ill. Adm. Code 809. Subpart E.

Section 811.403 Special Waste Manifests

- a) Each special waste accepted for disposal at a permitted solid waste management facility shall be accompanied by a manifest containing the following information, unless such special waste is disposed at an on-site facility and exempted, in accordance with 35 Ill. Adm. Code 809.211, from the manifest requirement:
 - 1) The name of the generator of the special waste;
 - 2) When and where the special waste was generated;
 - 3) The name of the special waste hauler;
 - 4) The name of the solid waste management facility to which it is shipped as a final destination point;
 - 5) The date of delivery;
 - 6) The name, waste stream permit number (if applicable) and quantity of special waste delivered to the hauler;

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- 7) The signature of the person who delivered the special waste to the special waste hauler, acknowledging such delivery;
- 8) The signature of the special waste hauler, acknowledging receipt of the special wastes; and
- 9) The signature of the person who accepted the special waste at its final destination, acknowledging acceptance of the special waste.

b) A permitted facility that accepts special waste must be designated on the manifest as the final destination point. Any subsequent delivery of the special waste or any portion or product thereof to a special waste hauler shall be conducted under a transportation record initiated by the permitted solid waste management facility.

c) Distribution of Manifests After Delivery

- 1) The receiving solid waste management facility, shall accept special waste only if accompanied by three copies of the manifest from the hauler. The hauler shall retain one copy.
- 2) The receiving solid waste management facility shall:
 - A) Send one copy of the completed transportation record to the person who delivered the special waste to the special waste hauler (usually the generator, or another special waste management facility);
 - B) Send one copy of each signed manifest to the Agency in accordance with the requirements of 35 Ill. Adm. Code 809; and
 - C) Send information on rejected loads to the Agency in a quarterly report.
- d) Every person who delivers special waste to a special waste hauler, every person who accepts special waste from a special waste hauler and every special waste hauler shall retain a copy of the special waste transportation record as a record of each special waste transaction. These copies shall be retained for three years, and shall be made available at reasonable times for inspection and photocopying by the Agency pursuant to Section 4(d) of the Act.

Section 811.404 Identification Record

- a) Each special waste disposed of at a facility (including special wastes generated at the facility) shall be accompanied by a

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special waste profile identification sheet, from the waste generator, that certifies the following:

- 1) The generator's name and address;
- 2) The transporter's name and telephone number;
- 3) The name of waste;
- 4) The process generating the waste;
- 5) Physical characteristics of waste (e.g., color, odor, solid or liquid, flash point);
- 6) The chemical composition of the waste;
- 7) The metals content of the waste;
- 8) Hazardous characteristics (including identification of wastes deemed hazardous by the United States Environmental Protection Agency or the state);
- 9) Presence of polychlorinated biphenyls (PCB)s or 2,3,7,8-tetrachlorodibenzodioxin (2,3,7,8-TCDD); and
- 10) Any other information, such as the result of any test carried out in accordance with Section 811.202, that can be used to determine:
 - A) Whether the special waste is regulated as a hazardous waste, as defined at 35 Ill. Adm. Code 721;
 - B) Whether the special waste is of a type that is permitted for or has been classified, in accordance with 35 Ill. Adm. Code 809, for storage, treatment, or disposal at the facility; and
 - C) Whether the method of storage, treatment, or disposal, using the methods available at the facility, is appropriate for the waste.

b) Special waste recertification

Each subsequent shipment of a special waste from the same generator must be accompanied by a transportation record in accordance with 35 Ill. Adm. Code 811.403(b), a copy of the original special waste profile identification sheet, and either:

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- 1) A special waste recertification by the generator describing whether there have been changes in the following:
 - A) Laboratory analysis (copies to be attached);
 - B) Raw material in the waste-generating process;
 - C) The waste-generating process itself;
 - D) The physical or hazardous characteristics of the waste; and
 - E) New information on the human health effects of exposure to the waste; or
- 2) Certification indicating that any change in the physical or hazardous characteristic of the waste is not sufficient to require a new special waste profile.

Section 811.405 Recordkeeping Requirements

The solid waste management facility operator shall retain copies of any special waste profile identification sheets, special waste recertifications, certifications of representative sample, special waste laboratory analyses, special waste analysis plans, and any waivers of requirements (prohibitions, special waste management authorization, and operating requirements) at the facility until the end of the postclosure care period.

Section 811.406 Procedures for Excluding Regulated Hazardous Wastes

The operator shall implement a load checking program that meets the requirements of Section 811.323 for detecting and discouraging attempts to dispose of regulated hazardous wastes at the facility.

SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

Section 811.501 Scope and Applicability

All structures necessary to comply with the requirements of this Part shall be constructed according to a construction quality assurance program that, at a minimum, meets the requirement of this Subpart.

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Section 811.502 Duties and Qualifications of Key Personnel

a) Duties and Qualifications of the Operator

The operator shall designate a third party contractor, a person other than the operator or an employee of the operator, as the construction quality assurance (CQA) officer.

b) Duties and Qualifications of the CQA officer

1) The CQA officer shall supervise and be responsible for all inspections, testing and other activities required to be implemented as part of the CQA program under this Subpart.

2) The CQA officer shall be a professional engineer.

Section 811.503 Inspection Activities

a) The CQA officer shall be present to provide supervision and assume responsibility for performing all inspections of the following activities:

- 1) Compaction of the subgrade and foundation to design parameters;
- 2) Installation of the compacted earth liner;
- 3) Installation of a geomembrane;
- 4) Installation of slurry trenches or cutoff walls;
- 5) Installation of the leachate drainage and collection system;
- 6) Application of final cover;
- 7) Installation of gas control facilities; and
- 8) Construction of ponds, ditches, lagoons and berms.

b) If the CQA officer is unable to be present to perform, as required by subsection (a), then the CQA officer shall provide, in writing, reasons for his absence, a designation of a person who shall exercise professional judgement in carrying out the duties of a CQA officer as the designated CQA officer-in-absentia, and a signed statement that the CQA officer assumes full personal responsibility for all inspections performed and reports prepared by the designated CQA officer-in-absentia during the absence of the CQA.

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Section 811.504 Sampling Requirements

A sampling program shall be implemented as part of the CQA plan, for all construction activities, in order to ensure, at a minimum, that construction materials and operations meet the following requirements:

- a) The sampling program shall be designed prior to construction.
- b) The sampling program shall be based upon statistical sampling techniques and shall establish and specify criteria for acceptance or rejection of materials and operations.

Section 811.505 Documentation

a) A daily summary report shall be prepared by the CQA officer, or under the direct supervision of the CQA officer, during each day of activity. The report shall contain, at a minimum:

- 1) The date;
- 2) A summary of the weather conditions;
- 3) A summary of locations where construction is occurring;
- 4) Equipment and personnel on the project;
- 5) A summary of any meetings held and attendees;
- 6) A description of all materials used and references or results of testing and documentation;
- 7) The calibration and recalibration of test equipment;
- 8) The daily inspection report from each inspector.

b) Daily Inspection Reports

Each inspector shall complete a daily inspection report containing the following information:

- 1) The location;
- 2) The type of inspection;
- 3) The procedure used;
- 4) Test data;

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- 5) The results of the activity;
- 6) Personnel involved in the inspection and sampling activities; and
- 7) The signature of the inspector.
- c) Photographic Records
- Photographs may be used as tools to document the progress and acceptability of the work and may be incorporated into the daily summary report, daily inspection report, and an acceptance report. Each photo shall be identified with the following information:

- 1) The date, time and location of photograph;
- 2) The name of photographer; and
- 3) The signature of photographer.

d) Acceptance Reports

Upon completion of the construction of each major phase, the CQA officer shall submit an acceptance report to the Agency. The acceptance report shall be submitted before the structure is placed into service and shall contain the following:

- 1) A certification by the CQA officer that the construction has been prepared and constructed in accordance with the engineering design;
- 2) As-built drawings; and
- 3) All daily summary reports.

Section 811.506 Foundations and Subbases

- a) The CQA officer shall identify and ensure that the site investigation is carried out in accordance with the plans, identify unexpected conditions and record all modifications to the plans and construction procedures on the as-built drawings.
- b) The CQA officer shall observe soil and rock surfaces for joints, fractures and depressions, document the filling of all joints and fractures and document the removal and filling of local sand deposits on the as-built drawings.

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- c) The CQA officer shall ensure that there are no moisture seeps and that all soft, organic or other undesirable materials are removed.

Section 811.507 Compacted Earth Liners

a) Requirements for a Test Liner

A test fill shall be constructed before construction of the actual, full-scale compacted earth liner, in accordance with the following requirements:

- 1) The test liner shall be constructed from the same soil material, design specifications, equipment and procedures as are proposed for the full-scale liner;
- 2) The test fill shall be at least four times the width of the widest piece of equipment to be used;
- 3) The test fill shall be long enough to allow the equipment to reach normal operating speed before reaching the test area;
- 4) At least three lifts shall be constructed;
- 5) The test fill shall be tested as described below for each of the following physical properties using tests to ensure a statistically valid sample size:

A) Field testing techniques shall be used to determine the hydraulic conductivity.

B) Samples shall also be tested in the laboratory for hydraulic conductivity. The laboratory results shall be evaluated to determine if there is a statistical correlation to the field testing results.

C) Other engineering parameters, including but not limited to particle size distribution, plasticity, water content, and in-place density, that are needed to evaluate the full-scale liner shall be determined.

- 6) Additional test fills shall be constructed for each time the material properties of a new borrow source changes or for each admixture or change in equipment or procedures; and

- b) Construction of a test fill or the requirements for an additional test fill may be omitted if a full-scale liner or a test fill has been previously constructed in compliance with this subsection and documentation and is available to demonstrate that the previously

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constructed liner meets the requirements of subsection (a).

- c) The CQA officer shall inspect the construction and testing of test fills to ensure that the requirements of subsection (a) are met. During construction of the actual, full-scale compacted earth liner, the CQA officer shall ensure the following:

- 1) Use of same compaction equipment as used in test fill;
- 2) Use of same procedures, such as number of passes and speed;
- 3) Uniformity of coverage by compaction equipment;
- 4) Consistent achievement of density, water content and permeability of each successive lift;
- 5) Use of methods to bond successive lifts together;
- 6) Achievement of liner strength on sidewalls;
- 7) Contemporaneous placement of protective covering to prevent drying and desiccation, where necessary;
- 8) Prevention of the placement of frozen material or the placement of material on frozen ground;
- 9) Prevention of damage to completed liner sections; and
- 10) That construction proceeds only during favorable climatic conditions.

Section 811.508 Geomembranes

The CQA officer shall exercise professional judgement to certify the following:

- a) That the bedding material contains no undesirable objects;
- b) That the placement plan has been followed;
- c) That the anchor trench and back-fill are constructed to prevent damage to the geomembrane;
- d) That all tears, rips, punctures, and other damage are repaired; and
- e) That all geomembrane seams are properly constructed and tested in accordance with the manufacturer's specifications.

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Section 811.509 Leachate Collection Systems

- a) The CQA officer shall exercise professional judgement to certify that pipe sizes, material, perforations, placement and pipe grades are in accordance with the design.
- b) The CQA officer shall exercise professional judgement to certify that all soil materials used for the drainage blanket and graded filters meet the required size and gradation specifications in the design plan and are placed in accordance with the design plans.
- c) The CQA officer shall inspect all prefabricated structures for conformity with design specifications and for defective manufacturing.

SUBPART G: FINANCIAL ASSURANCE

Section 811.700 Scope, Applicability and Definitions

- a) This Subpart provides procedures by which the operator of a permitted waste disposal facility provides financial assurance satisfying the requirements of Section 21.1(a) of the Act.
- b) Financial assurance may be provided, as specified in Section 811.706, by a trust agreement, a bond guaranteeing payment, a bond guaranteeing payment or performance, a letter of credit, insurance or self-insurance. The operator shall provide financial assurance to the Agency before the receipt of the waste.
- c) This Subpart does not apply to the State of Illinois, its agencies and institutions, or to any unit of local government; provided, however, that any other persons who conduct such a waste disposal operation on a site that is owned or operated by such a governmental entity shall provide financial assurance for closure and postclosure care of the site.
- d) The operator is not required to provide financial assurance pursuant to this Subpart if the operator demonstrates:
 - 1) That closure and postclosure care plans filed pursuant to 35 Ill. Adm. Code 724 or 725 will result in closure and postclosure care of the site in accordance with the requirements of this Part; and
 - 2) That the operator has provided financial assurance adequate to provide for such closure and postclosure care pursuant to

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35 Ill. Adm. Code 724 or 725.

- e) Definition: "Assumed closure date" means the date during the next permit term on which the costs of premature final closure of the facility, in accordance with the standards of this Part, will be greatest.

Section 811.701 Upgrading Financial Assurance

- a) The operator shall maintain financial assurance equal to or greater than the current cost estimate calculated pursuant to Section 811.704 at all times, except as otherwise provided by subsection (b).

- b) The operator shall increase the total amount of financial assurance so as to equal the current cost estimate within 90 days after any of the following occurrences:

- 1) An increase in the current cost estimate;
- 2) A decrease in the value of a trust fund;
- 3) A determination by the Agency that an operator no longer meets the gross revenue test of Section 811.715(d) or the financial test of Section 811.715(e); or,
- 4) Notification by the operator that the operator intends to substitute alternative financial assurance, as specified in Section 811.706, for self-insurance.

Section 811.702 Release of Financial Institution

The Agency shall release a trustee, surety, insurer or other financial institution when:

- a) An operator substitutes alternative financial assurance such that the total financial assurance for the site is equal to or greater than the current cost estimate, without counting the amounts to be released; or
- b) The Agency releases the operator from the requirements of this Subpart pursuant to 35 Ill. Adm. Code 813.403(b).

Section 811.703 Application of Proceeds and Appeals

- a) The Agency may sue in any court of competent jurisdiction to enforce its rights under financial instruments. The filing of an enforcement action before the Board is not a condition precedent

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to such an Agency action, except when this Subpart or the terms of the instrument provide otherwise.

- b) As provided in Titles VIII and IX of the Act and 35 Ill. Adm. Code 103 and 104, the Board may order modifications in permits to change the type or amount of financial assurance pursuant to an enforcement action or a variance petition. Also, the Board may order that an owner or operator modify a closure or postclosure care plan or order that proceeds from financial assurance be applied to the execution of a closure or postclosure care plan.

- c) The following Agency actions may be appealed to the Board as a permit denial pursuant to 35 Ill. Adm. Code 105 and Section 21.5(e) of the Act:

- 1) A refusal to accept financial assurance tendered by the operator;
- 2) A refusal to release the operator from the requirement to maintain financial assurance;
- 3) A refusal to release excess funds from a trust;
- 4) A refusal to approve a reduction in the penal sum of a bond;
- 5) A refusal to approve a reduction in the amount of a letter of credit;
- 6) A refusal to approve a reduction in the face amount of an insurance policy; or
- 7) A determination that an operator no longer meets the gross revenue test or financial test.

Section 811.704 Closure and Postclosure Care Cost Estimates

- a) Written cost estimate. The operator shall have a written estimate of the cost of closure of all parts of the facility where wastes have been deposited in accordance with the requirements of this Part; the written closure plan, required by Section 811.110 and 35 Ill. Adm. Code 812.114; and the cost of postclosure care and plans required by this Part and the written postclosure care plans required by 35 Ill. Adm. Code 812.115. The cost estimate is the total cost for closure and postclosure care.

- b) The operator shall revise the cost estimate whenever a change in the closure plan or postclosure care plan increases the cost estimate.

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- c) The cost estimate must be based on the steps necessary for the premature final closure of the facility on the assumed closure date.
- d) The cost estimate must be based on the assumption that the Agency will contract with a third party to implement the closure plan.
- e) The cost estimate may not be reduced by allowance for the salvage value of equipment or waste, for the resale value of land, or for the sale of landfill gas.
- f) The cost estimate must, at a minimum, include all costs for all activities necessary to close the facility in accordance with all requirements of this Part.
- g) The postclosure monitoring and maintenance cost estimate must be prepared:
- 1) On the basis of the design period for each unit at a facility, assuming operations will cease on the assumed closure date; and
 - 2) Reduced to present value, as follows:
 - A) Based on a 4 percent discount rate;
 - B) Without allowing for inflation;
 - C) Over a period including the time remaining until the assumed closure date, plus the postclosure care period;
- h) The postclosure care cost estimate must, at a minimum, be based on the following elements in the postclosure care plan:
- 1) Groundwater monitoring, based on the number of monitoring points and parameters and the frequency of sampling specified in the permit.
 - 2) The annual Cost of Cover Placement and Stabilization, including an estimate of the annual residual settlement and erosion control and the cost of mowing.
 - 3) Alternative Landfill Gas Disposal. If landfill gas is transported to an off-site processing system, then the operator shall include in the cost estimate the costs necessary to operate an on-site gas disposal system, should

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- access to the off-site facility become unavailable. The cost estimate must include the following information: installation, operation, maintenance and monitoring of an on-site gas disposal system.
- 4) Cost Estimates Beyond the Design Period. When a facility must extend the postclosure care period beyond the applicable design period, the cost estimate must be based upon such additional time and the care activities occurring during that time.
- i) This Section does not authorize the Agency to require the operator to perform any of the indicated activities upon which cost estimates are to be based; however, if the site permit requires a closure activity, the operator shall include the cost of that activity in the cost estimate.
- j) Once the operator has completed an activity, the operator may file an application for significant permit modification pursuant to 35 Ill. Adm. Code 813.201 indicating that the activity has been completed, and zeroing that element of the cost estimate.

Section 811.705 Revision of Cost Estimate

- a) The operator shall revise the current cost estimates for closure and postclosure care in each new application for permit renewal or where a facility modification results in an increase of the cost estimate.
- b) The operator shall review the closure and postclosure care plans prior to filing a revised cost estimate in order to determine whether they are consistent with current operations, and the requirements of this Subchapter. The operator shall either certify that the plans are consistent, or shall file an application incorporating new plans pursuant to 35 Ill. Adm. Code 813.
- c) The operator shall prepare new closure and postclosure cost estimates reflecting current prices for the items included in the estimates when submitting any new application for permit renewal. The operator shall file revised estimates even if the operator determines that there are no changes in the prices.

Section 811.706 Mechanisms for Financial Assurance

The operator of a waste disposal site may utilize any of the following mechanisms to provide financial assurance for closure and postclosure care:

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- a) A trust fund (Section 811.710);
- b) A surety Bond Guaranteeing Payment (Section 811.711);
- c) A surety Bond Guaranteeing Performance (Section 811.712);
- d) A letter of Credit (Section 811.713);
- e) Closure Insurance (Section 811.714); or
- f) Self-insurance (Section 811.715).

Section 811.707 Use of Multiple Financial Mechanisms

An operator may satisfy the requirements of this Subpart by establishing more than one financial mechanism per site. These mechanisms are limited to trust funds, surety bonds guaranteeing payment, letters of credit and insurance. The mechanisms must be as specified in 35 Ill. Adm. Code 811.710, 811.711, 811.713 and 811.714, respectively, except that it is the combination of mechanisms, rather than the single mechanism, which must provide financial assurance for an amount at least equal to the current cost estimate. The operator may use any or all of the mechanisms to provide for closure and postclosure care of the site.

Section 811.708 Use of a Financial Mechanism for Multiple Sites

An operator may use a financial assurance mechanism specified in this Subpart to meet the requirements of this Subpart for more than one site. Evidence of financial assurance submitted to the Agency must include a list showing, for each site, the name, address and the amount of funds assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each site. The amount of funds available to the Agency must be sufficient to close and provide postclosure care for all of the operator's sites. In directing funds available through a single mechanism for the closure and postclosure care of any single site covered by that mechanism, the Agency shall direct only that amount of funds designated for that site, unless the operator agrees to the use of additional funds available under that mechanism.

Section 811.709 Trust Fund for Unrelated Sites

Any person may establish a trust fund for the benefit of the Agency which may receive funds from more than one operator for closure of different sites. Such a trust fund must operate like the trust fund specified in 35 Ill. Adm. Code 807.710, except as follows:

- a) The trustee shall maintain a separate account for each site and

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- shall evaluate such annually as of the day of creation of the trust;
- b) The trustee shall annually notify each operator and the Agency of the evaluation of each operator's account;
- c) The trustee shall release excess funds as required from the account for each site;
- d) The trustee shall reimburse the operator or other person authorized to perform closure or postclosure care only from the account for that site.
- e) The Agency may direct the trustee to withhold payments only from the account for the site for which it has determined the cost of closure and postclosure care will be greater than the value of the account for that site pursuant to Section 811.710(g)(3).

Section 811.710 Trust Fund

- a) An operator may satisfy the requirements of this Subpart by establishing a trust fund which conforms to the requirements of this Section and submitting an original signed duplicate of the trust agreement to the Agency.
- b) The trustee shall be an entity which has the authority to act as a trustee and:
 - 1) Whose trust operations are examined by the Illinois Commissioner of Banks and Trust Companies pursuant to the Illinois Banking Act (Ill. Rev. Stat. 1989, ch. 17, pars. 301 et seq.); or
 - 2) Who complies with the Corporate Fiduciary Act (Ill. Rev. Stat. 1989, ch. 17, pars. 1551-1 et seq.).
- c) The trust agreement must be on the forms specified in Appendix A, Illustration A, and the trust agreement must be accompanied by a formal certification of acknowledgment, on the form specified in Appendix A, Illustration B.
- d) Payments into the trust:
 - 1) The operator shall make a payment into the trust fund each year during the pay-in period.
 - 2) The pay-in period is the number of years remaining until the assumed closure date.

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- 3) Annual payments are determined by the following formula:

$$\text{Annual payment} = (\text{CE}-\text{CV})/\text{Y}$$

where:

CE = Current cost estimate

CV = Current value of the trust fund

Y = Number of years remaining in the pay in period.

- 4) The operator shall make the first annual payment prior to the initial receipt of waste for disposal. The operator shall also, prior to such initial receipt of waste, submit to the Agency a receipt from the trustee for the first annual payment.

- 5) Subsequent annual payments must be made no later than 30 days after each anniversary of the first payment.

- 6) The operator may accelerate payments into the trust fund, or may deposit the full amount of the current cost estimate at the time the fund is established.

- 7) An operator required to provide additional financial assurance for an increase in the cost estimate because of an amendment to this Subchapter may provide such additional financial assurance pursuant to this subsection. The operator may provide the increase by contributing to a new or existing trust fund pursuant to this Section. Subsection (d)(2) notwithstanding, the pay-in period for such additional financial assurance shall be not less than three years.

- e) The trustee shall evaluate the trust fund annually, as of the day the trust was created or on such earlier date as may be provided in the agreement. The trustee shall notify the operator and the Agency of the value within 30 days after the evaluation date.

- f) Release of excess funds:

- 1) If the value of the financial assurance is greater than the total amount of the current cost estimate, the operator may submit a written request to the Agency for a release of the amount in excess of the current cost estimate.
- 2) Within 60 days after receiving a request from the operator for a release of funds, the Agency shall instruct the

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trustee to the operator such funds as the Agency specifies in writing to be in excess of the current cost estimate.

- g) Reimbursement for closure and postclosure care expenses:

- 1) After initiating closure, an operator, or any other person authorized to perform closure or postclosure care, may request reimbursement for closure or postclosure care expenditures, by submitting itemized bills to the Agency.
- 2) Within 60 days after receiving the itemized bills for closure or postclosure care activities, the Agency shall determine whether the expenditures are in accordance with the closure or postclosure care plan. The Agency shall instruct the trustee to make reimbursement in such amounts as the Agency specifies in writing as expenditures in accordance with the closure or postclosure care plan.
- 3) If the Agency determines, based on such information as is available to it, that the cost of closure and postclosure care will be greater than the value of the trust fund, it shall withhold reimbursement of such amounts as it determines are necessary to preserve the in order to accomplish closure and postclosure care until it determines that the operator is no longer required to maintain financial assurance for closure and postclosure care. In the event the fund is inadequate to pay all claims, the Agency shall pay claims according to the following priorities:

- A) Persons with whom the Agency has contracted to perform closure or postclosure care activities (first priority);
- B) Persons who have completed closure or postclosure care authorized by the Agency (second priority);
- C) Persons who have completed work which furthered the closure or postclosure care (third priority);
- D) The operator and related business entities (last priority).

Section 811.711 Surety Bond Guaranteeing Payment

- a) An operator may satisfy the requirements of this Subpart by obtaining a surety bond which conforms to the requirements of this Section and submitting the bond to the Agency.

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- b) The surety company issuing the bond shall be licensed by the Illinois Department of Insurance pursuant to the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, pars. 613 et seq.).
- c) The surety bond must be on the forms specified in Appendix A, Illustration C, D or H.
- d) Any payments made under the bond will be placed in the landfill closure and postclosure fund within the State Treasury.
- e) Conditions:
- 1) The bond must guarantee that the operator will provide closure and postclosure care in accordance with the approved closure and postclosure care plans.
 - 2) The surety will become liable on the bond obligation when, during the term of the bond, the operator fails to perform as guaranteed by the bond. The operator fails to perform when the operator:
 - A) Abandons the site;
 - B) Is adjudicated bankrupt;
 - C) Fails to initiate closure of the site or postclosure care when ordered to do so by the Board pursuant to Title VII of the Act, or when ordered to do so by a court of competent jurisdiction; or
 - D) Notifies the Agency that it has initiated closure, or initiates closure, but fails to close the site or provide postclosure care in accordance with the closure and postclosure care plans.
- f) Penal sum:
- 1) The penal sum of the bond must be in an amount at least equal to the current cost estimate.
 - 2) The Agency shall approve a reduction in the penal sum whenever the current cost estimate decreases.
- g) Term:
- 1) The bond must be issued for a term of at least five years and must not be cancelable during that term.

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- 2) If the operator fails to provide substitute financial assurance prior to expiration of a bond, the term of the bond must be automatically extended for one twelve-month period starting with the date of expiration of the bond. During such extension the bond will cease to serve as financial assurance satisfying the requirements of this Part, and will not excuse the operator from the duty to provide substitute financial assurance.
- h) Cure of default and refunds:
- 1) The Agency shall release the surety if, after the surety becomes liable on the bond, the operator or another person provides financial assurance for closure and postclosure care of the site, unless the Agency determines that the closure or postclosure care plan or the amount of substituted financial assurance is inadequate to provide closure and postclosure care in compliance with this Part.
 - 2) After closure and postclosure care have been completed in accordance with the plans and requirements of this Part, the Agency shall refund any unspent money which was paid to the Agency by the surety.
- Section 811.712 Surety Bond Guaranteeing Performance
- a) An operator may satisfy the requirements of this Subpart by obtaining a surety bond which conforms to the requirements of this Section and submitting the bond to the Agency.
 - b) The surety company issuing the bond shall be licensed by the Illinois Department of Insurance pursuant to the Illinois Insurance Code.
 - c) The surety bond must be on the forms as specified in Appendix A, Illustration C, D or H.
 - d) Any payments made under the bond will be placed in the landfill closure and postclosure fund within the State Treasury.
 - e) Conditions:
 - 1) The bond must guarantee that the operator will provide closure and postclosure care in accordance with the closure and postclosure care plans in the permit. The surety shall have the option of providing closure and postclosure care in accordance with the closure and postclosure care plans, or

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of paying the penal sum.

- 2) The surety will become liable on the bond obligation when, during the term of the bond, the operator fails to perform as guaranteed by the bond. The operator fails to perform when the operator:

- A) Abandons the site;
- B) Is adjudicated bankrupt;

- C) Fails to initiate closure of the site or postclosure care when ordered to do so by the Board pursuant to Title VII of the Act, or when ordered to do so by a court of competent jurisdiction; or

- D) Notifies the Agency that it has initiated closure, or initiates closure, but fails to close the site or provide postclosure care in accordance with the closure and postclosure care plans.

f) Penal sum:

- 1) The penal sum of the bond must be in an amount at least equal to the current cost estimate.
- 2) The Agency shall approve a reduction in the penal sum whenever the current cost estimate decreases.

g) Term:

- 1) The bond must be issued for a term of at least five years and must not be cancelable during that term.
- 2) If the operator fails to provide substitute financial assurance prior to expiration of a bond, the term of the bond must be automatically extended for one twelve-month period starting with the date of expiration of the bond. During such extension, the bond will cease to serve as financial assurance satisfying the requirements of this Part, and will not excuse the operator from the duty to provide substitute financial assurance.

h) Cure of default and refunds:

- 1) The Agency shall release the surety if, after the surety becomes liable on the bond, the operator or another person provides financial assurance for closure and postclosure

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care of the site, unless the Agency determines that the closure or postclosure care plan or the amount of substituted financial assurance is inadequate to provide closure and postclosure care in compliance with this Part.

- 2) After closure and postclosure care have been completed in accordance with the closure and postclosure care plans and the requirements of this Part, the Agency shall refund any unspent money which was paid to the Agency by the surety.

- i) The surety will not be liable for deficiencies in the performance of closure by the operator after the Agency releases the operator from the requirements of this Subpart.

Section 811.713 Letter of Credit

- a) An operator may satisfy the requirements of this Subpart by obtaining an irrevocable standby letter of credit which conforms to the requirements of this Section and submitting the letter to the Agency.
- b) The issuing institution shall be an entity which has the authority to issue letters of credit and:
 - 1) Whose letter-of-credit operations are regulated by the Illinois Commissioner of Banks and Trust Companies; or,
 - 2) Whose deposits are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

c) Forms:

- 1) The letter of credit must be on the forms specified in Appendix A, Illustration E.
- 2) The letter of credit must be accompanied by a letter from the operator, referring to the letter of credit by number, issuing institution and date, and providing the following information: name and address of the site and the amount of funds assured for closure and postclosure care of the site by the letter of credit.

- d) Any amounts drawn by the Agency pursuant to the letter of credit will be deposited in the landfill closure and postclosure fund within the State Treasury.

- e) Conditions on which the Agency may draw on the letter of credit:

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operator or another person provides financial assurance for closure and postclosure care of the site, unless the Agency determines that a plan or the amount of substituted financial assurance is inadequate to provide closure and postclosure care as required by this Part.

- 2) After closure and postclosure care have been completed in accordance with the closure and postclosure care plans and the requirements of this Part, the Agency shall refund any unspent money which was paid to the Agency by the financial institution.

Section 811.714 Closure Insurance

- a) An operator may satisfy the requirements of this Subpart by obtaining closure and postclosure care insurance which conforms to the requirements of this Section and submitting an executed duplicate original of such insurance policy to the Agency.
- b) The insurer shall be licensed to transact the business of insurance by the Illinois Department of Insurance pursuant to the Illinois Insurance Code.
- c) The policy must be on forms approved by the Illinois Department of Insurance pursuant to the Illinois Insurance Code.

d) Face amount:

- 1) The closure and postclosure care insurance policy must be issued for a face amount at least equal to the current cost estimate. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

- 2) The Agency shall approve a reduction in the amount of the policy whenever the current cost estimate decreases.

- e) The closure and postclosure care insurance policy must guarantee that funds will be available to close the site and to provide postclosure care thereafter. The policy must also guarantee that, once closure begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency to such party or parties as the Agency specifies. The insurer will be liable when:

- 1) The operator abandons the site;

- 1) The Agency shall draw on the letter of credit if the operator fails to perform closure or postclosure care in accordance with the closure and postclosure care plans.

- 2) The Agency shall draw on the letter of credit when the operator:

- A) Abandons the site;
- B) Is adjudicated bankrupt;
- C) Fails to initiate closure of the site or postclosure care when ordered to do so by the Board pursuant to Title VII of the Act, or when ordered to do so by a court of competent jurisdiction; or
- D) Notifies the Agency that it has initiated closure, or initiates closure, but fails to provide closure and postclosure care in accordance with the closure and postclosure care plans.

f) Amount:

- 1) The letter of credit must be issued in an amount at least equal to the current cost estimate.
- 2) The Agency shall approve a reduction in the amount whenever the current cost estimate decreases.

g) Term:

- 1) The letter of credit must be issued for a term of at least five years and must be irrevocable during that term.
- 2) If the operator fails to substitute alternative financial assurance prior to expiration of a letter of credit, the term of the letter of credit must be automatically extended for one twelve-month period starting with the date of expiration. During such extension, the letter of credit will cease to serve as financial assurance satisfying the requirements of this Part, and will not excuse the operator from the duty to provide substitute financial assurance.

h) Cure of default and refunds:

- 1) The Agency shall release the financial institution if, after the Agency is allowed to draw on the letter of credit, the

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- 2) The operator is adjudicated bankrupt;
 - 3) The Board, pursuant to Title VIII of the Act, or a court of competent jurisdiction orders the site closed;
 - 4) The operator notifies the Agency that it is initiating closure; or
 - 5) Any person initiates closure with approval of the Agency.
- f) Reimbursement for closure and postclosure care expenses:
- 1) After initiating closure, an operator or any other person authorized to perform closure or postclosure care may request reimbursement for closure and postclosure care expenditures by submitting itemized bills to the Agency.
 - 2) Within 60 days after receiving bills for closure or postclosure care activities, the Agency shall determine whether the expenditures are in accordance with the closure or postclosure care plan. The Agency shall direct the insurer to make reimbursement in such amounts as the Agency specifies in writing as expenditures in accordance with the closure and postclosure care plans.
 - 3) If the Agency determines based on such information as is available to it that the cost of closure and postclosure care will be greater than the face amount of the policy, it shall withhold reimbursement of such amounts as it deems prudent until it determines that the operator is no longer required to maintain financial assurance. In the event the face amount of the policy is inadequate to pay all claims, the Agency shall pay claims according to the following priorities:
 - A) Persons with whom the Agency has contracted to perform closure or postclosure care activities (first priority);
 - B) Persons who have completed closure or postclosure care authorized by the Agency (second priority);
 - C) Persons who have completed work which furthered the closure or postclosure care (third priority);
 - D) The operator and related business entities (last priority).

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g) Cancellation:

- 1) The operator shall maintain the policy in full force and effect until the Agency releases the insurer pursuant to Section 811.702.
- 2) The policy must provide that the insurer may not cancel, terminate or fail to renew the policy, except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate or fail to renew the policy by sending notice by certified mail to the operator and the Agency. Cancellation, termination or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the Agency and the operator, as evidenced by the return receipts. Cancellation, termination or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration the premium due is paid.
- h) Each policy must contain a provision allowing assignment of the policy to a successor operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.

Section 811.715 Self-Insurance for Non-commercial Sites

- a) Definitions. The following definitions are intended to assist in the understanding of this Part and are not intended to limit the meanings of terms in any way that conflicts with generally accepted accounting principles:

"Assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity.

"Current assets" means cash or other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

"Current liabilities" means obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

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"Generally accepted accounting principles" means Auditing Standards--Current Text, incorporated by reference at 35 Ill. Adm Code 810.104.

"Gross Revenue" means total receipts less returns and allowances.

"Independently audited" refers to an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

"Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

"Net working capital" means current assets minus current liabilities.

"Net worth" means total assets minus total liabilities and is equivalent to owner's equity.

"Tangible net worth" means tangible assets less liabilities; tangible assets do not include intangibles such as goodwill and rights to patents or royalties.

b) Information to be Filed

An operator may satisfy the financial assurance requirements of this Part by providing the following:

- 1) Bond without surety promising to pay the cost estimate (subsection (c)).
 - 2) Proof that the operator meets the gross revenue test (subsection (d)).
 - 3) Proof that the operator meets the financial test (subsection (e)).
- c) Bond Without Surety. An operator utilizing self-insurance shall provide a bond without surety on the forms specified in Appendix A, Illustration G. The operator shall promise to pay the current cost estimate to the Agency unless the operator provides closure and postclosure care in accordance with the closure and postclosure care plans.
- d) Gross Revenue Test. The operator shall demonstrate that less than

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one-half of its gross revenues are derived from waste disposal operations. Revenue is "from waste disposal operations" if it would stop upon cessation of the operator's waste disposal operations.

e) Financial Test

- 1) To pass the financial test, the operator shall meet the criteria of either subsection (e)(1)(A) or (e)(1)(B):

A) The operator shall have:

- i) Two of the following three ratios: a ratio of total liabilities to net worth of less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities of greater than 0.1; or a ratio of current assets to current liabilities of greater than 1.5; and
- ii) Net working capital and tangible net worth each at least six times the current cost estimate; and
- iii) Tangible net worth of at least \$10 million; and
- iv) Assets in the United States amounting to at least 90 percent of the operator's total assets and at least six times the current cost estimate.

B) The operator shall have:

- i) A current rating of AAA, AA, A or BBB for its most recent bond issuance as issued by Standard and Poor, or a rating of Aaa, Aa, A or Baa, as issued by Moody; and
 - ii) Tangible net worth at least six times the current cost estimate; and
 - iii) Tangible net worth of at least \$10 million; and
 - iv) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the current cost estimate.
- 2) To demonstrate that it meets this test, the operator shall

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submit the following items to the Agency:

- A) A letter signed by the operator's chief financial officer and worded as specified in Appendix A, Illustration I; and
- B) A copy of the independent certified public accountant's report on examination of the operator's financial statements for the latest completed fiscal year; and
- C) A special report from the operator's independent certified public accountant to the operator stating that:
 - i) The accountant has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and
 - ii) In connection with that procedure, no matters came to the accountant's attention which caused the accountant to believe that the specified data should be adjusted.

f) Updated Information.

- 1) After the initial submission of items specified in subsections (d) and (e), the operator shall send updated information to the Agency within 90 days after the close of each succeeding fiscal year.
- 2) If the operator no longer meets the requirements of subsections (d) and (e), the operator shall send notice to the Agency of intent to establish alternative financial assurance. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the operator no longer meets the requirements.

- g) Qualified Opinions. If the opinion required by subsections (e)(2)(B) and (e)(2)(C) includes an adverse opinion or a disclaimer of opinion, the Agency shall disallow the use of self-insurance. If the opinion includes other qualifications, the Agency shall disallow the use of self-insurance if:

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- 1) The qualifications relate to the numbers which are used in the gross revenue test or the financial test; and,
 - 2) In light of the qualifications, the operator has failed to demonstrate that it meets the gross revenue test or financial test.
- h) Parent Corporation. An operator may satisfy the financial assurance requirements of this Part by demonstrating that a corporation which owns an interest in the operator meets the gross revenue and financial tests. The operator shall also provide a bond with the parent as surety (Appendix A, Illustration H).

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Section 811. Appendix A Financial Assurance Forms
Illustration A Trust Agreement

TRUST AGREEMENT

Trust Fund Number _____ day of _____
Trust Agreement, the "Agreement," entered into as of the _____
_____, by and between _____
_____, a _____,
the "Grantor," and _____,
_____, the "Trustee."

Trust Agreement, the "Agreement," entered into as of the _____ day of _____, by and between _____,

the "Grantor," and _____, the "Trustee."

Whereas, Section 21.1 of the Environmental Protection Act, "Act", prohibits any person from conducting any waste disposal operation unless such person has been licensed by the Illinois Environmental Protection Agency, "IEPA", a performance bond or other security for the purpose of insuring closure of the waste and postclosure care in accordance with the Act and Illinois Pollution Control Board, "IPCB", rules.

Whereas, the IPCB has established certain regulations applicable to the Grantor, requiring that an operator of a waste disposal site provide assurance that funds will be available when needed for closure and/or postclosure care of the site.

Whereas, the Grantor has elected to establish a trust to provide all or part of such financial assurance for the sites identified in this agreement.

Whereas, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee.

Whereas, Trustee is an entity which has authority to act as a trustee and whose trust operations are regulated by the Illinois Commissioner of Banks & Trust Companies or who complies with the Corporate Fiduciary Act (Ill. Rev. Stat. 1989, ch. 17, par. 1551-1 et seq.). (Line through any condition which does not apply.)

Now, Therefore, the Grantor and the Trustee agree as follows:

Section 1. Definitions. As used in this Agreement:

- a) The term "Grantor" means the operator who enters into this Agreement and any successors or assigns of the operator.
- b) The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.

- b) The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.

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Section 2. Identification of Sites and Cost Estimates. This Agreement pertains to the sites and cost estimates identified on attached Schedule A (on Schedule A, list the name and address and initial cost estimate of each site for which financial assurance is demonstrated by this agreement).

Section 3. Establishment of Fund. The Grantor and the Trustee hereby establish a trust fund, the "Fund," for the benefit of the IPFA. The Grantor and the Trustee intend that no other third party have access to the Fund except as provided in this agreement. The Fund is established initially as consisting of the property, which is acceptable to the Trustee, described in Schedule B attached to this agreement. Such property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits on the Fund, less any payments or distributions made by the Trustee pursuant to this agreement. The Fund shall be held by the Trustee, in trust, as provided in this agreement. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the grantor, any payments necessary to discharge any liabilities of the Grantor.

Section 4. Payment for Closure and Postclosure Care. The Trustee shall make payments from the Fund as the IEPA shall direct, in writing, to provide for the payment of the costs of closure and/or postclosure care of the sites covered by this agreement. The Trustee shall reimburse the Grantor or other persons as specified by the IEPA from the Fund for closure and postclosure expenditures in such amounts as the IEPA shall direct in writing. In addition, the Trustee shall refund to the Grantor such amounts as the IEPA specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund.

Section 5. Payments Comprising the Fund. Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

Section 6. Trust Management. The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling and managing the Fund, the Trustee shall discharge his duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill, prudence and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:

- a) Securities or other obligations of the Grantor, or any other owner or operator of the site, or any of their affiliates as defined in Section 80a-2(a) of the Investment Company Act of 1940, as amended (15 U.S.C.

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80a-2(a)) shall not be acquired or held, unless they are securities or other obligations of the Federal government or the State of Illinois;

- b) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by the Federal Deposit Insurance Corporation.

- c) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment. The Trustee is expressly authorized in its discretion:

- a) To transfer from time to time any or all of the assets of the Fund to any common, commingled or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and

- b) To purchase shares in any investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) including one which may be created, managed, underwritten or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares in its discretion.

Section 8. Express Powers of Trustee. Without in any way limiting the powers and discretions conferred upon the Trustee by the other provisions of this agreement or by law, the Trustee is expressly authorized and empowered:

- a) To sell, exchange, convey, transfer or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expedience of any such sale or other disposition;

- b) To make, execute, acknowledge and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers granted in this agreement;

- c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of

such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve Bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund.

- d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by the Federal Deposit Insurance Corporation; and

- e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses. All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee, to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee shall be paid from the Fund.

Section 10. Annual Valuation. The Trustee shall annually furnish to the Grantor and to the IEPA a statement confirming the value of the Trust. The evaluation day shall be each year on the _____ day of _____. Any securities in the Fund shall valued at market value as of the evaluation day. The Trustee shall mail the evaluation statement to the Grantor and the IEPA within 30 days after the evaluation day. The failure of the Grantor to object in writing to the Trustee within 90 days after the statement has been furnished to the Grantor and the IEPA shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

Section 11. Advice of counsel. The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any question arising as to the construction of this agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 12. Trustee Compensation. The Trustee shall be entitled to reasonable compensation for its services as agreed upon in writing from time to time with the Grantor.

Section 13. Successor Trustee. The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and the successor accepts the appointment. The successor trustee shall have the same

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Section 811. Appendix A Financial Assurance Forms
Illustration B Certificate of Acknowledgment

CERTIFICATE OF ACKNOWLEDGMENT

State of _____)
County of _____) SS

On this _____ day of _____, _____ before me personally came
_____ (operator) to me known, who, being by me duly sworn, did
depose and say that she/he resides at _____

_____ (address), that she/he is
_____ (title) of
_____ (corporation), the corporation
described in and which executed the above instrument; that she/he knows the
seal of said corporation; that the seal affixed to such instrument is such
corporate seal; that it was so affixed by order of the Board of Directors of
said corporation, and that she/he signed her/his name thereto by like order.

Notary Public

My Commission Expires _____

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Section 811. Appendix A Financial Assurance Forms
Illustration C Forfeiture Bond

FORFEITURE BOND

Date bond executed: _____

Effective date: _____

Principal: _____

Type of organization: _____

State of incorporation: _____

Surety: _____

Sites: _____

Name _____

Address _____

City _____

Amount guaranteed by this bond: \$ _____

Name _____

Address _____

City _____

Amount guaranteed by this bond: \$ _____

Please attach a separate page if more space is needed for all sites.

Total penal sum of bond: \$ _____

Surety's bond number: _____

The Principal and the Surety promise to pay the Illinois Environmental
Protection Agency ("IEPA") the above penal sum unless the Principal provides
closure and postclosure care for each site in accordance with the closure and
postclosure care plans for that site. To the payment of this obligation the
Principal and Surety jointly and severally bind themselves, their heirs,
executors, administrators, successors and assigns.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Whereas the Principal is required, under Section 21(d) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1021(d)) to have a permit to conduct a waste disposal operation;

Whereas the Principal is required, under Section 21.1 of the Environmental Protection Act to provide financial assurance for closure and postclosure care; and

Whereas the Surety is licensed by the Illinois Department of Insurance;

Whereas the Principal and Surety agree that this bond shall be governed by the laws of the State of Illinois;

The Surety shall pay the penal sum to the IEPA if, during the term of the bond, the Principal fails to provide closure and postclosure care for any site in accordance with the closure and postclosure care plans for that site as guaranteed by this bond. The Principal fails to so provide when the Principal:

- a) Abandons the site;
- b) Is adjudicated bankrupt;
- c) Fails to initiate closure of the site or postclosure care when ordered to do so by the Board or a court of competent jurisdiction; or
- d) Notifies the Agency that it has initiated closure, or initiates closure, but fails to close the site or provide postclosure care in accordance with the closure and postclosure care plans.

The Surety shall pay the penal sum of the bond to the IEPA within 30 days after the IEPA mails notice to the Surety that the Principal has failed to so provide closure and postclosure care. Payment shall be made by check or draft payable to the State of Illinois, Landfill Closure and Postclosure Fund.

The liability of the Surety shall not be discharged by any payment or succession of payments unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond. In no event shall the obligation of the Surety exceed the amount of the penal sum.

This bond shall expire on the _____ day of _____, provided, however, that if the Principal fails to provide substitute financial assurance prior to the expiration date, and the IEPA mails notice of such failure to the Surety within 30 days after such date, the term of this bond shall be automatically extended for one twelve-month period starting with the date of expiration of the bond.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

The Principal may terminate this bond by sending written notice to the Surety; provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond from the IEPA.

In Witness Whereof, the Principal and Surety have executed this Forfeiture Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below certify that they are authorized to execute this surety bond on behalf of the Principal and Surety.

Principal Corporate Surety _____

Signature Name _____

Typed Name _____

Address _____

Title _____

State of Incorporation _____

Date _____

Signature _____

Typed Name _____

Title _____

Corporate seal Corporate seal

Bond premium: \$ _____

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Section 811. Appendix A Financial Assurance Forms
Illustration D Performance Bond

PERFORMANCE BOND

Date bond executed: _____

Effective date: _____

Principal: _____

Type of organization: _____

State of incorporation: _____

Surety: _____

Sites: _____

Name _____

Address _____

City _____

Amount guaranteed by this bond: \$ _____

Name _____

Address _____

City _____

Amount guaranteed by this bond: \$ _____

Please attach a separate page if more space is needed for all sites.

Total penal sum of bond: \$ _____

Surety's bond number: _____

The Principal and the Surety promise to pay the Illinois Environmental Protection Agency ("IEPA") the above penal sum unless the Principal or Surety provides closure and postclosure care for each site in accordance with the closure and postclosure care plans for that site. To the payment of this obligation the Principal and Surety jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Whereas the Principal is required, under Section 21(d) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1021(d)) to have a permit to conduct a waste disposal operation;

Whereas the Principal is required, under Section 21.1 of the Environmental Protection Act, to provide financial assurance for closure and postclosure care; and

Whereas the Surety is licensed by the Illinois Department of Insurance;

Whereas the Principal and Surety agree that this bond shall be governed by the laws of the State of Illinois;

The Surety shall pay the penal sum to the IEPA or provide closure and postclosure care in accordance with the closure and postclosure care plans for the site if, during the term of the bond, the Principal fails to provide closure and postclosure care for any site in accordance with the closure and postclosure care plans for that site as guaranteed by this bond. The Principal fails to so provide when the Principal:

- a) Abandons the site;
- b) Is adjudicated bankrupt;
- c) Fails to initiate closure of the site or postclosure care when ordered to do so by the Board or a court of competent jurisdiction; or
- d) Notifies the Agency that it has initiated closure, or initiates closure, but fails to close the site or provide postclosure care in accordance with the closure and postclosure care plans.

The Surety shall pay the penal sum of the bond to the IEPA or notify the IEPA that it intends to provide closure and postclosure care in accordance with the closure and postclosure care plans for the site within 30 days after the IEPA mails notice to the Surety that the Principal has failed to so provide closure and postclosure care. Payment shall be made by check or draft payable to the State of Illinois, Landfill Closure and Postclosure Fund.

If the Surety notifies the Agency that it intends to provide closure and postclosure care, then the Surety must initiate closure and postclosure care within 60 days after the IEPA mailed notice to the Surety that the Principal failed to provide closure and postclosure care. The Surety must complete closure and postclosure care in accordance with the closure and postclosure care plans, or pay the penal sum.

The liability of the Surety shall not be discharged by any payment or succession of payments unless and until such payment or payments shall amount

in the aggregate to the penal sum of the bond. In no event shall the obligation of the Surety exceed the amount of the penal sum.

This bond shall expire on the _____ day of _____, _____; provided, however, that if the Principal fails to provide substitute financial assurance prior to the expiration date, and the IEPA mails notice of such failure to the Surety within 30 days after such date, the term of this bond shall be automatically extended for one twelve-month period starting with the date of expiration of the bond.

The Principal may terminate this bond by sending written notice to the Surety; provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond from the IEPA.

In Witness Whereof, the Principal and Surety have executed this Forfeiture Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below certify that they are authorized to execute this surety bond on behalf of the Principal and Surety.

Principal Corporate Surety _____

Signature _____

Name _____

Typed Name _____

Address _____

Title _____

State of Incorporation _____

Date Signature _____

Typed Name _____

Title _____

Corporate seal _____

Bond premium: \$ _____

Corporate seal

Section 811. Appendix A Financial Assurance Forms
Illustration E Irrevocable Standby Letter of Credit

IRREVOCABLE STANDBY LETTER OF CREDIT

Director
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

Dear Sir or Madam:

We have authority to issue letters of credit. Our letter-of-credit operations are regulated by the Illinois Commissioner of Banks and Trusts or our deposits are insured by the Federal Deposit Insurance Corporation. (Omit language which does not apply)

We hereby establish our Irrevocable Standby Letter of Credit No. _____

_____ in your favor, at the request and for the account of _____ up to the aggregate amount of _____ U. S. dollars (\$ _____), available upon presentation of _____

1. your sight draft, bearing reference to this letter of credit No. _____; and,

2. your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under authority of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1001 et seq.) and 35 Ill. Adm. Code 811.713(e)."

This letter of credit is effective as of _____ and shall expire on _____; but, such expiration date shall be automatically extended for one period of twelve months starting with the expiration date if the operator fails to substitute alternative financial assurance prior to the expiration of this letter of credit and you notify us of such failure within 30 days after the above expiration date.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the State of Illinois landfill closure and postclosure fund in accordance with your instructions.

This letter of credit is governed by the Uniform Commercial Code (Ill. Rev. Stat. 1989, ch. 26, pars. 1-101 et seq.).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Signature _____
Typed Name _____
Title _____
Date _____
Name and address of issuing institution _____

This credit is subject to _____

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Section 811. Appendix A Financial Assurance Forms
Illustration F Certificate of Insurance for Closure and/or Postclosure
Care

CERTIFICATE OF INSURANCE FOR CLOSURE AND/OR POSTCLOSURE CARE

Name and Address of Insurer ("Insurer"): _____

Name and Address of Insured ("Insured"): _____

Sites Covered:

Name _____

Address _____

City _____

Amount insured for this site: \$ _____

Name _____

Address _____

City _____

Amount insured for this site: \$ _____

Please attach a separate page if more space is needed for all sites.

Face Amount _____

Policy Number _____

Effective Date _____

The Insurer hereby certifies that it is licensed to transact the business of insurance by the Illinois Department of Insurance.

The insurer hereby certifies that it has issued to the Insured the policy of insurance identified above to provide financial assurance for closure and postclosure care for the sites identified above. The Insurer further warrants that such policy conforms in all respects with the requirements of 35 Ill. Adm. Code 811.714, as applicable and as such regulations were constituted on

POLLUTION CONTROL BOARD

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the date shown immediately below. It is agreed that any provision of the policy inconsistent with such regulations is hereby amended to eliminate such inconsistency.

Name (Authorized signature for Insurer) _____

Typed Name _____

Title _____

Date _____

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Section 811. Appendix A Financial Assurance Forms
Illustration G Operator's Bond Without Surety

OPERATOR'S BOND WITHOUT SURETY

Date bond executed: _____

Effective date: _____

Operator: _____

Operator's address: _____

Site: _____

Site address: _____

Penal sum: \$ _____

The operator promises to pay the penal sum to the Illinois Environmental Protection Agency unless the Operator provides closure and postclosure care of the site in accordance with the closure and postclosure care plans for the site.

Operator _____

Signature _____

Typed Name _____

Title _____

Date _____

Corporate seal

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Section 811. Appendix A Financial Assurance Forms
Illustration H Operator's Bond With Parent Surety

OPERATOR'S BOND WITH PARENT SURETY

Date bond executed: _____

Effective Date: _____

Surety: _____

Surety's address: _____

Operator: _____

Operator's address: _____

Site: _____

Site address: _____

Penal sum: \$ _____

The Operator and Surety promise to pay the above penal sum to the Illinois Environmental Protection Agency ("IEPA") unless the Operator provides closure and postclosure care of the site in accordance with the closure and postclosure care plans for the site. To the payment of this obligation the Operator and Surety jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

Whereas the Operator is required under the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1021(d)) to have a permit to conduct a waste disposal operation; and

Whereas the Operator is required under Section 21.1 of the Environmental Protection Act to provide financial assurance for closure and postclosure care; and

Whereas the Operator and Surety agree that this bond shall be governed by the laws of the State of Illinois; and

Whereas the Surety is a corporation which owns an interest in the Operator;

The Surety shall pay the penal sum to the IEPA if, during the term of the bond, the Operator fails to provide closure and postclosure care for any site in accordance with the closure and postclosure care plans for that site as guaranteed by this bond. The Operator fails to so provide when the Operator:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- a) Abandons the site;
- b) Is adjudicated bankrupt;
- c) Fails to initiate closure of the site or postclosure care when ordered to do so by the Board or a court of competent jurisdiction; or
- d) Notifies the Agency that it has initiated closure, or initiates closure, but fails to close the site or provide postclosure care in accordance with the closure and postclosure care plans.

The Surety shall pay the penal sum of the bond to the IEPA within 30 days after the IEPA mails notice to the Surety that the Operator has failed to so provide closure and postclosure care. Payment shall be made by check or draft payable to the State of Illinois, Landfill Closure and Postclosure Fund.

In Witness Whereof, the Operator and Surety have executed this bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below certify that they are authorized to execute this surety bond on behalf of the Operator and Surety.

Operator _____

Surety _____

Signature _____

Name _____

Typed Name _____

Address _____

Title _____

State of Incorporation _____

Date _____

Signature _____

Typed Name _____

Title _____

Corporate seal

Corporate seal

ILLINOIS REGISTER
POLLUTION CONTROL BOARD
NOTICE OF ADOPTED RULES

Section 811. Appendix A Financial Assurance Forms
Illustration I Letter From Chief Financial Officer
LETTER FROM CHIEF FINANCIAL OFFICER

Director
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

Dear Sir or Madam:

I am the chief financial officer of _____.

This letter is in support of this firm's use of the gross revenue test and financial test to demonstrate financial assurance pursuant to 35 Ill. Adm. Code 811.715.

This letter is to demonstrate financial assurance for the following sites:

Operator: _____

Name: _____

Address: _____

City: _____

Current cost estimate: \$ _____

Operator: _____

Name: _____

Address: _____

City: _____

Current cost estimate: \$ _____

Please attach a separate page if more space is needed for all facilities.

Attached is an Operator's Bond without Surety or an Operator's Bond with Parent Surety for the current cost estimate for each site. (Strike inapplicable language.)

Gross Revenue Test

ILLINOIS REGISTER

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED RULES

1. Gross revenue of the firm \$ _____
2. Gross revenue from waste disposal operations \$ _____
3. Line 2 divided by line 3 _____

Financial Test
Alternative I

1. Sum of current cost estimates (total of all cost estimates shown in paragraphs above) \$ _____
2. Total liabilities (if any portion of the cost estimates is included in total liabilities, you may deduct the amount of that portion from this line and add that amount to lines 3 and 4) \$ _____
3. Tangible net worth \$ _____
4. Net worth \$ _____
5. Current assets \$ _____
6. Current liabilities \$ _____
7. Net working capital (line 5 minus line 6) \$ _____
8. The sum of net income plus depreciation, depletion, and amortization \$ _____

9. Total assets in U.S. (required only if less than 90 percent of firm's assets are located in the U.S. \$ _____

Yes No

10. Is line 3 at least \$10 million? _____
11. Is line 3 at least 6 times line 1? _____
12. Is line 7 at least 6 times line 1? _____
13. Are at least 90 percent of firm's assets located in the U.S.? If not, complete line 14. _____
14. Is line 9 at least 6 times line 1? _____
15. Is line 2 divided by line 4 less than 2.0? _____

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

16. Is line 8 divided by line 2 greater than 0.1? _____

17. Is line 5 divided by line 6 greater than 1.5? _____

Signature _____

Typed Name _____

Title _____

Date _____

Financial Test
Alternative II

1. Sum of current cost estimates (total of all cost estimates shown in paragraphs above) \$ _____

2. Current bond rating of most recent issuance of this firm and name of rating service _____

3. Date of issuance of bond _____

4. Date of maturity of bond _____

5. Tangible net worth (if any portion of the closure and postclosure cost estimates is included in "total liabilities" on your firm's financial statements, you may add the amount of that portion to this line) \$ _____

6. Total assets in U.S. (required only if less than 90 percent of firm's assets are located in the U.S.) \$ _____

Yes

No

7. Is line 5 at least \$10 million? _____

8. Is line 5 at least 6 times line 1? _____

9. Are at least 90 percent of firm's assets located in the U.S.? If not complete line 10. _____

10. Is line 6 at least 6 times line 1? _____

Signature _____

Typed name _____

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Title _____

Date _____

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: MEDICAL PAYMENT
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: Adopted Action: 140.528 Amendment
- 4) Statutory Authority: Sections 5-5.1 et seq. 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. 12-13)
- 5) Effective Date of Adopted Amendment: September 21, 1990
- 6) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 7) Does this Adopted Amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: September 21, 1990
- 9) Notices of Proposal Published in Illinois Register:
May 11, 1990 (14 Ill. Reg. 7027)
- 10) Has JCAR issued a Statement of Objections to this Adopted Amendment? No
- 11) Differences between proposal and final version: The language in 140.528(c) describing when the QUIP rate will become effective has been changed as follows:

In line three of the amended text the last sentence "The rate will become effective in January for those facilities that have a QUIP assessment conducted during the last six months of the year and July for those facilities that have a QUIP assessment conducted during the first six months of the year." has been replaced with "The rate will become effective on the facility's annual nursing IOC rate adjustment date."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this Adopted Amendment replace an Emergency Amendment currently in effect? Yes

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 14) Are there any Amendments pending on this Part? Yes
- | Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|-------------------------------------------|
| 140.413 | Amendment | March 30, 1990
(14 Ill. Reg. 4860) |
| 140.461 | Amendment | April 20, 1990
(14 Ill. Reg. 5726) |
| 140.462 | Amendment | April 20, 1990
(14 Ill. Reg. 5726) |
| 140.463 | Amendment | April 20, 1990
(14 Ill. Reg. 5726) |
| 140.471 | Amendment | June 8, 1990
(14 Ill. Reg. 8929) |
| 140.472 | Amendment | June 8, 1990
(14 Ill. Reg. 8929) |
| 140.473 | Amendment | June 8, 1990
(14 Ill. Reg. 8929) |
| 140.474 | Amendment | June 8, 1990
(14 Ill. Reg. 8929) |
| 140.485 | Amendment | September 7, 1990
(14 Ill. Reg. 14317) |
| 140.486 | Repealed | September 7, 1990
(14 Ill. Reg. 14317) |
| 140.487 | Amendment | September 7, 1990
(14 Ill. Reg. 14317) |
| 140.488 | New Section | September 7, 1990
(14 Ill. Reg. 14317) |
| 140.523 | Amendment | September 7, 1990
(14 Ill. Reg. 14681) |
| 140.529 | Amendment | July 20, 1990
(14 Ill. Reg. 11672) |
| 140.539 | Amendment | July 6, 1990
(14 Ill. Reg. 10629) |

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section Numbers	Proposed Action	Illinois Register Citation
140.542	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.543	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.544	Repealed	March 23, 1990 (14 Ill. Reg. 4415)
140.545	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.569	Amendment	May 25, 1990 (14 Ill. Reg. 7834)
140.642	Amendment	March 2, 1990 (14 Ill. Reg. 3019)
140.646	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.647	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.648	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.649	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.650	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.652	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140. Table A	Repealed	September 7, 1990 (14 Ill. Reg. 14317)
140. Table H	Amendment	March 2, 1990 (14 Ill. Reg. 3019)

15) Summary and Purpose of Adopted Amendment: This proposed rule change is implementing an annual QUIP assessment to be done concurrently with the annual IOC survey. There is no fiscal impact anticipated.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

16) Information and questions regarding this Adopted Amendment shall be directed to:

Name: Daniel Leikvold, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section	
140.1	Incorporation By Reference
140.2	Medical Assistance Programs
140.3	Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy
140.4	Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5	Covered Medical Services Under GA and AMI
140.6	Medical Services Not Covered
140.7	Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Six
140.8	Medical Assistance For Qualified Severely Impaired Individuals
140.9	Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10	Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section	
140.11	Enrollment Conditions for Medical Providers
140.12	Participation Requirements for Medical Providers
140.13	Definitions
140.14	Denial of Application to Participate in the Medical Assistance Program
140.15	Recovery of Money
140.16	Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section	
140.18	Effect of Termination on Individuals Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring Submittal of Claims
140.20	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.21	Magnetic Tape Billings
140.22	Payment of Claims
140.23	Payment Procedures
140.24	Overpayment or Underpayment of Claims
140.25	Payment to Factors Prohibited
140.26	Assignment of Vendor Payments
140.27	Record Requirements for Medical Providers
140.28	Audits
140.30	False Reporting and Other Fraudulent Activities
140.35	Prior Approval for Medical Services or Items
140.40	Prior Approval in Cases of Emergency
140.41	Limitation on Prior Approval
140.42	Post Approval for items or Services When Prior Approval Cannot Be Obtained
140.43	Drug Manual (Recodified)
140.71	Drug Manual (Recodified)
140.72	Drug Manual (Recodified)
140.73	Drug Manual Updates (Recodified)

SUBPART C: HOSPITAL SERVICES

Section	
140.94	Hospital Services (Recodified)
140.95	Participation (Recodified)
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section	
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398	Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section	
140.400	Payment to Practitioners, Nurses and Laboratories
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services

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140.907 Midnight Census Report (Recodified)
140.908 Times and Staff Levels (Recodified)
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SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section
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140.942 Definition of Terms (Recodified)
140.944 Notification of Negotiations (Recodified)
140.946 Hospital Participation in ICARE Program Negotiations (Recodified)
140.948 Negotiation Procedures (Recodified)
140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
140.952 Closing an ICARE Area (Recodified)
140.954 Administrative Review (Recodified)
140.956 Payments to Contracting Hospitals (Recodified)
140.958 Admitting and Clinical Privileges (Recodified)
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140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg.

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7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum

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of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.912 and 140.912 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.205 Table A and 147.205 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351,

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effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

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SUBPART E: GROUP CARE

Section 140.528 Payment of Quality Incentive (Cont'd)

Section 140.528 Payment of Quality Incentive

a) The QUIP payment maximum is \$2.00 per day per resident.

b) The allocation of payment among Quality Incentive Standards shall be as follows: Fifty percent (50%) of the incentive dollars will be allocated to the first four standards, under Sections 140.526(b) through (e). That allocation will be divided equally among the four standards. The remaining 50% will be allocated for standard (f) under that Section: "Effective Patient Care Management."

e) Facilities that qualify for QUIP payment(s) pursuant to Sections 140.525 through 140.529 for services rendered from January 1, 1985, through June 30, 1985, can elect to receive payment(s) under either Sections 140.525 through 140.529 or Sections 140.565 through 140.568 of this Part.

1) Facilities which elect to receive QUIP payment(s) pursuant to Sections 140.525 through 140.529 for this period, waive the right to receive payment(s) for such time period pursuant to Sections 140.565 through 140.568.

2) If no election is made, a facility is deemed to have elected to receive QUIP payment(s) pursuant to Sections 140.525 through 140.529 when such QUIP payment(s) would be higher than what the facility would receive pursuant to Sections 140.565 through 140.568.

3) Sections 140.525 through 140.529 shall apply to reimbursement for all services rendered on or after January 1, 1985.

d) An IDPA assessor will conduct a quality incentive assessment in June 1985. The Department will determine whether or not a facility qualifies for an incentive payment(s) for the period January 1 through September 30, 1985, based on that assessment. The Quality Incentive assessment conducted between October 1 and December 31, 1985, shall apply for the period October 1, 1985 through June 30, 1986. The quality incentive assessment conducted between January 1 and June 30, 1986 shall apply for the period July 1

through December 31, 1986. Thereafter, the assessment will be conducted semiannually.

c) The quality incentive assessment will be conducted once a year concurrently with the annual inspection of Care survey. The rate will become effective on the facility's annual nursing IOC rate adjustment date.

e)d) The Department shall provide written notification to the facility of the amount of the QUIP per diem payment within 45 days of the written notification of achievement.

f)e) If a facility loses its Medicaid certification or State licensure or fails to continue satisfying the basic qualifications under Section 140.525 (b), the Department shall terminate immediately any quality incentive payment(s). If the facility alters the program(s) upon which the QUIP Incentive Payment is based, the Department will reassess the altered program(s). If the reassessment results in a finding that the facility no longer qualifies for QUIP, IDPA will cancel the QUIP payment(s) after 10 days written notice from the Chief of the Bureau of Long Term Quality Care to the facility.

(Source: Amended at 14 Ill. Reg. 15981, effective September 21, 1990)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Access to Public Records
- 2) Code Citation: 2 Ill. Adm. Code 1176

3) Section Numbers: Adopted Action:
 1176.110 Amendment
 1176.310 Amendment
 1176.400 Amendment
 1176.410 Amendment

- 4) Statutory Authority: Implementing The Freedom of Information Act (Ill. Rev. Stat. 1989, ch. 116, pars. 201 et seq.) and Section 4.01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1004.01) and authorized by Section 3 of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, par. 3434).

- 5) Effective Date of Amendments: September 17, 1990

- 6) Does this rulemaking contain an automatic repeal date?
 Yes X No

- 7) Does this amendment contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office:

- 9) Notice of Proposal Published in Illinois Register:

June 15, 1990, 14 Ill. Reg. 9364
 (issue date)

- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? no If answer is "yes," please complete the following:

A) Statement of Objection: (issue date), Ill. Reg. _____

B) Agency Response: (issue date), Ill. Reg. _____

- C) Date Agency Response Submitted for Approval to JCAR:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
 N/A

- 13) Will this rule replace an Emergency Rule(s) currently in effect? No

- 14) Are there any amendments pending on this Part: No

Section Numbers Proposed Action Illinois Register Citation

- 15) Summary and Purpose of Rule(s): The amendments to Part 1176 have been proposed in order to clarify DORS procedures for providing public records to requestors.

- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Janice Lobb
 Regulations and Training Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, Illinois 62794-9429
 Telephone number: (217) 785-3896
 T.D.D.: (217) 782-5734

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ch. 127, par. 1004.01) and authorized by Section 3 of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, par. 3434).

SOURCE: Adopted at 8 Ill. Reg. 15957, effective August 20, 1984; amended at 9 Ill. Reg. 2314, effective February 15, 1985; amended at 9 Ill. Reg. 12859, effective August 6, 1985; amended at 11 Ill. Reg. 19416, effective November 13, 1987; amended at 12 Ill. Reg. 14689, effective September 2, 1988; amended at 13 Ill. Reg. 15763, effective September 22, 1989; amended at 14 Ill. Reg. 15999, effective September 17, 1990.

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section 1176.110 Form and Content of Requests

- a) Requests in accordance with FOIA and these rules shall be made in writing unless the individual is unable, because of disability, to prepare a written request.
- b) Oral requests will be handled expeditiously. However, the required response times and the appeal procedures contained in the FOIA and these rules do not apply to oral requests.
- c) The requestor shall provide the following information in a request for public records:

- 1) The requestor's full name, address and phone number.
- 2) A brief description of the public records sought, being as specific as possible.
- 3) Whether the request is for inspection of public records, copies of public records, or both.
- 4) Whether the requestor wants copies of public records certified.

(Source: Amended at 14 Ill. Reg. 15999 effective September 17, 1990)

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section 1176.310 Director's Response to Appeal

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL AGENCIES
SUBTITLE D: CODE DEPARTMENTS
CHAPTER XX: DEPARTMENT OF REHABILITATION SERVICES

PART 1176
ACCESS TO PUBLIC RECORDS
SUBPART A: INTRODUCTION

Section 1176.10 Summary and Purpose
1176.20 Definitions

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section 1176.100 Person to Whom Requests are Submitted
1176.110 Form and Content of Requests

SUBPART C: PROCEDURES FOR DORS' RESPONSE TO REQUESTS FOR PUBLIC RECORDS

Section 1176.200 Timeline for DORS' Response
1176.210 Types of DORS' Responses

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section 1176.300 Appeal of a Denial
1176.310 Director's Response to Appeal

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section 1176.400 Inspection of Records at Department Offices
1176.410 Copies of Public Records
1176.420 General Materials Available from the Freedom of Information Officer

Exhibit A Request for Public Records (Repealed)
Exhibit B Reply to Request for Public Records (Repealed)

AUTHORITY: Implementing The Freedom of Information Act (Ill. Rev. Stat. 1989, ch. 116, pars. 201 et seq.) and Section 4.01 of The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989,

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The Director shall respond to an appeal within 7 working days after receiving notice thereof. The Director shall either affirm the denial or provide access to the requested public records uphold the appeal. The Director's response shall state the requestor's right to a judicial review of the decision pursuant to Section 11 of the FOIA (Ill. Rev. Stat. 1989, ch. 116, par. 211). Failure to respond within 7 working days may be considered by the requestor an affirmation of the denial.

(Source: Amended at 14 Ill. Reg. 15999
effective September 17, 1990)

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section 1176.400 Inspection of Records at Department Offices

a) Generally, public records will be made available for inspection during normal working hours of the DORS office where they are maintained.

b) Documents which the requestor wishes to have copied shall be segregated during the course of the inspection. Generally, all copying shall be done by DORS employees.

c) ~~Unless otherwise arranged, the inspection of records shall take place at the office where they are maintained. For purposes of convenience, either DORS or the requestor may request that inspection take place in another DORS office location.~~

c) ~~d) An employee of the DORS shall be present throughout the inspection. A requestor may be prohibited from bringing bags, brief cases or other containers into the inspection room.~~

d) Files shall be reviewed and exempt or confidential information deleted by a DORS employee before a requestor is permitted access to them. The FOI Officer shall be consulted in cases where DORS staff have questions concerning confidentiality.

e) A requestor shall arrange a time and date to review records that is convenient for the DORS employees who maintain the requested records.

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f) A requestor may not remove records from the DORS offices, except those copies produced and paid for (if applicable per 1176.410) during the requestor's inspection of the file.

(Source: Amended at 14 Ill. Reg. 15999
effective September 17, 1990)

Section 1176.410 Copies of Public Record

a) Copies of public records shall be provided to the requestor only upon payment of any charges which are due. Payment must be by check or money order and made out to the Department of Rehabilitation Services. If payment is not received within 60 days after DORS has notified the requestor of the charges, DORS shall consider the request withdrawn.

b) Charges for copies of public records shall be 10 cents per page for requests of 10 or more pages. No cost will be charged for records containing less than 10 pages.

c) Charges may be waived or reduced if the requestor is an employee of a state agency, a constitutional officer, a member of the General Assembly, or for all others whose requests for information are in the public interest (i.e., if the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit). The person requesting the documents must also request that the fee be waived or reduced, and state the specific purpose for the records, and that a waiver or reduction is in the public interest and the reasons why.

d) The FOI Officer shall provide the appropriate FOI Certification, when requested.

(Source: Amended at 14 Ill. Reg. 15999
effective September 17, 1990)

- 1) Heading of the Part: Identification, Evaluation, and Placement of Exceptional Children
- 2) Code Citation: 89 Ill. Adm. Code 795
- 3) Section Numbers: Adopted Action:
795.100 Amendment
795.110 Repeal
- 4) Statutory Authority: Implementing Sections 3 and 10 and authorized by Section 3 of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, pars. 3434 and 3441).
- 5) Effective Date of Amendments: September 17, 1990
- 6) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: September 17, 1990
- 9) Notice of Proposal Published in Illinois Register:
March 9, 1990, 14 Ill. Reg. 3407
(issue date)

10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:

- A) Statement of Objection: (issue date) Ill. Reg. _____
- B) Agency Response: (issue date) Ill. Reg. _____

C) Date Agency Response Submitted for Approval to JCAR:

11) Difference(s) between proposal and final version: The subsections of Section 795.100 were moved 5 spaces to the right, as directed by the Administrative Code Division.

- Pursuant to agreements with the Joint Committee on Administrative Rules, language was added to the first sentence of Section 795.100 (b) to state, "pursuant to Section 795.90 (a)(4), if the parents object to the proposed modifications (any change in the current IEP pursuant to Section 795.80 (d))", . . .
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes
- 13) Will this rule replace an Emergency Rule(s) currently in effect? No
- 14) Are there any amendments pending on this Part: No
- Section Numbers Proposed Action Illinois Register Citation
- 15) Summary and Purpose of Rule(s): Sections 795.100 and 795.110 are being amended to be consistent with Illinois State Board of Education changes in 23 Ill. Adm. Code 226.50 and 226.572. They are also being combined for clarity.
- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Janice Lobb
Regulations and Training Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 795
IDENTIFICATION, EVALUATION, AND PLACEMENT OF
EXCEPTIONAL CHILDREN

- Section
795.10 Program of Public Awareness
795.20 Responsibility of Seeking Out and Identifying Students
Needing Special Program
795.30 Case Study Evaluation to Determine Need for
Modification of Educational Services
795.40 Notification of Modification or Change
795.50 Criteria for Change
795.60 Recommendations
795.70 Written Report
795.80 Additional Meetings
795.90 Parental Notification
795.100 Parental Consent to Proposed Modifications
795.110 Parental Objections (Repealed)
795.120 Modifications or Changes
795.130 Review of Educational Status and Continued Special
Education Placements
795.140 Written Notification of Continuation to Parents
795.150 Written Notification to State School Superintendent
795.160 Termination of Placement (Repealed)

AUTHORITY: Implementing Sections 3 and 10 and authorized by Section 3 of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, pars. 3434 and 3441).

SOURCE: Adopted at 6 Ill. Reg. 1235, effective January 28, 1982; codified at 6 Ill. Reg. 14860; amended at 12 Ill. Reg. 14012, effective August 19, 1988, amended at 14 Ill. Reg. 16005, effective September 17, 1990

- Section 795.100 Parental Response to Proposed Modifications
- a) If the parents consent to the proposed modifications, and they may waive the ten (10) calendar day interval, and the student shall be placed in the recommended program as soon as practicable.

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- b) Pursuant to Section 795.90(a)(4), if the parents object to the proposed modifications (any change in the current IEP pursuant to Section 795.80(d)), within ten (10) calendar days of notification of proposed modifications, they shall contact the State School indicating their objection. The State School shall then, within ten (10) calendar days of receipt of the parents objection, arrange a conference with the parents in an attempt to resolve the disagreement. If the parents continue to object to the proposed modifications, they may appeal by requesting a Level 1 hearing. Such a request shall be made in writing to the superintendent of the State School. Rules for due process hearings are set forth in 23 Ill. Adm. Code 226.605 - 226.625.

- c) Receipt of a request for an impartial due process hearing shall cause the State School to postpone its proposed modifications of the special educational services until the matter is resolved.

- d) The student shall remain in his/her current educational program, unless:

- 1) an agreement is reached between the parents and the State School; or
- 2) 89 Ill. Adm. Code 755.260(e) applies.

(Source: Amended at 14 Ill. Reg. 16005, effective September 17, 1990)

Section 795.110 Parental Objections (Repealed)

If the parents object to the proposed modifications within ten (10) calendar days of their receipt of notification of the proposed modifications, they shall contact the State School indicating their objection. The State School shall then arrange a conference with the parents in an attempt to resolve the disagreement. If the parents continue to object, they may appeal the proposed modifications by requesting an impartial due process hearing by the Department of Rehabilitation Services. That request shall be made in writing to the superintendent of the State School.

- a) Receipt of a request for an impartial due process hearing shall cause the State School to postpone its proposed modifications of the special education services of the student until the matter is resolved.

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- b) The student shall remain in his/her current educational program unless a mutual agreement is reached between the parents and the State School until the modification issue is resolved unless Responsibility for Special Education (89 Ill. Adm. Code 760.40(b)) applies.

(Source: Repealed at 14 Ill. Reg. 16005, effective September 17, 1990)

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- 1) Heading of the Part: Telecommunication Devices for the Hearing Impaired
- 2) Code Citation: 89 Ill. Adm. Code 890
- 3) Section Numbers: Adopted Action:
 890.10 repealed
 890.20 repealed
 890.30 repealed
 890.40 repealed
- 4) Statutory Authority: Implementing Sections 3, 3.1 and 4 and authorized by Section 5 of "AN ACT in relation to the installation of telecommunication devices for use throughout the State by individuals with hearing impairments," (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 4203, 4203.1, 4204, and 4205)
- 5) Effective Date of Amendments: September 17, 1990
- 6) Does this rulemaking contain an automatic repeal date?
 Yes X No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: September 17, 1990
- 9) Notice of Proposal Published in Illinois Register:
 February 23, 1990, 14 Ill. Reg. 2844
 (issue date)
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:
 A) Statement of Objection: (issue date), Ill. Reg.
 B) Agency Response: (issue date), Ill. Reg.
 C) Date Agency Response Submitted for Approval to JCAR:
- 11) Difference(s) between proposal and final version: No differences

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12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.

13) Will this rule replace an Emergency Rule(s) currently in effect? No

14) Are there any amendments pending on this Part: No

Section Numbers Proposed Action Illinois Register Citation

15) Summary and Purpose of Rule(s): Subpart A was repealed in accordance with Public Act 86-629 in which the rulemaking authority over TDD's in public safety agencies has been eliminated.

16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Janice Lobb
Regulations and Training Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

1) Heading of the Part: Income Tax

2) Code Citation: 86 Ill. Adm. Code 100

3) Section Numbers: 100.9900
Adopted Action:
Amendment

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 120, pars. 14-1401(a), 15-1501(a)(27)

5) Effective Date of Amendment(s): September 17, 1990

NOTE: The amendments to subsection 100.9900(h)(1) are applicable to all taxable years for which the statute of limitations is open. However, the Department will not apply the amended regulations to prior years if doing so would result in an increased tax liability for the taxpayer.

6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: September 17, 1990

9) Notice of Proposal Published in Illinois Register:

May 11, 1990, 14 Ill. Reg. 7090
(issue date)

10) Has JCAR issued a Statement of Objections to this Rule?: No

11) Differences between proposal and final version: No changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of Amendment(s): Subsection 100.9900(h)(1) is amended to more closely reflect the language of the Illinois Income Tax Act, Section 1501(a)(27), stating that corporations will ordinarily be in a unitary relationship with one another if they are in the same general line of business or vertically integrated, and all other unitary criteria are met, including common ownership, strong centralized management and comparability of apportionment method.

NOTICE OF ADOPTED AMENDMENTS

The amendments to subsection 100.9900(h)(1) are applicable to all taxable years for which the statute of limitations is open. However, the Department will not apply the amended regulations to prior years if doing so would result in an increased tax liability for the taxpayer.

Section 100.9900 is amended throughout to change the citation to the definition of a unitary business group as a result of legislative renumbering of Illinois Income Tax Act, Section 1501.

Section 100.9900(d) is amended to reflect the statutory changes made to IITA 1501(a)(27) by P.A. 84-1400 which authorizes unitary business groups composed exclusively of members that derive business income solely from Illinois.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Joseph E. McMenamin, Manager
Legal Services Bureau - Income Tax Division
101 W. Jefferson
Springfield, Illinois 62794-9014
Phone: (217) 782-7055

The full text of the Adopted Amendment begins on the next page:

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 100

INCOME TAX

SUBPART A: TAX IMPOSED

Section 100.2000	Personal Property Tax Replacement Income Tax (hereinafter PPTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - In General (IITA Section 201) (Repealed)
100.2050	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Carryover Items (IITA Section 201) (Repealed)
100.2100	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Carryback Items (IITA Section 201) (Repealed)
100.2150	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Partnership Income (IITA Section 201) (Repealed)
100.2200	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Long Term Contracts Reported on the Completed Contract Method (IITA Section 201) (Repealed)
100.2250	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - In General (IITA Section 201) (Repealed)
100.2300	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Carryover Items (IITA Section 201) (Repealed)
100.2350	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Carryback Items (IITA Section 201) (Repealed)
100.2400	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Partnership Income (IITA Section 201) (Repealed)
100.2450	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Long Term Contracts Reported on the Completed Contract Method (IITA Section 201) (Repealed)

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100.2500	Scope of 86 Ill. Adm. Code 100.2000 through 100.2450 (Repealed)	100.3050	Business and Nonbusiness Income (IITA Section 301)
100.2550	Net Income (IITA Section 202)	100.3100	Compensation (IITA Section 302)
100.2560	Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)	100.3150	State (IITA Section 302)
100.2561	Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)	100.3200	Taxability in Other State (IITA Section 303)
100.2562	Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986	100.3250	Resident (IITA Section 301)
100.2563	Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986	100.3300	Commercial Domicile (IITA Section 303)
100.2564	Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Ver-	100.3350	Allocation and Apportionment of Base Income (IITA Section 304)
100.2565	sus Combined Unitary Returns	100.3400	Allocation of Compensation Paid to Nonresidents (IITA Section 302)
100.2600	Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership	100.3450	Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IITA Section 303)
100.2650	Special Transitional Rules (IITA Section 202) (Repealed)	100.3500	Business Income of Persons Other than Residents (IITA Section 304) - In General
100.2675	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope	100.3510	Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment
100.2700	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions	100.3520	Business Income of Persons Other Than Residents (IITA Section 304) - Allocation
100.2750	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards	100.3530	Business Income of Persons Other Than Residents (IITA Section 304)
100.2800	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income	100.3550	Property Factor (IITA Section 304)
100.2850	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year.	100.3600	Payroll Factor (IITA Section 304)
100.2900	Investment Tax Credits	100.3650	Sales Factor (IITA Section 304)
100.2950	Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside For Charity	100.3700	Special Rules (IITA Section 304)
Section 100.3000			

SUBPART B: ALLOCATION AND APPORTIONMENT OF BASE INCOME

Terms Used in Article 3 (IITA Section 301)

Section	Time for Filing Returns: (IITA Section 505)
100.5200	Time for Filing Returns: Corporations (IITA Section 505)
100.5250	(Repealed)
100.5300	Time for Filing Returns: Cooperatives (IITA Section 505)
100.5350	(Repealed)
100.5400	Time for Filing Returns: Partnerships (IITA Section 505)
100.5450	Time for Filing Returns: Estates and Trusts (IITA Section 505)
100.5500	(Repealed)
100.5550	Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5600	Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
	Short Year Returns of Newly Acquired Subsidiaries (IITA Section 505) (Repealed)
	Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5700	Composite Returns: Eligibility
100.5702	Composite Returns: Responsibilities of Authorized Agent
100.5704	Composite Returns: Individual Liability
100.5706	Composite Returns: Required Forms and computation of Income
100.5708	Composite Returns: Estimated Payments

SUBPART C: RECORDS, RETURNS AND NOTICES

DEPARTMENT OF REVENUE

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100.5710 Composite Return: Tax, Penalties and Interest
 100.5712 Composite Returns: Credit for Resident Individuals
 100.5714 Composite Returns: Definition of a "Lloyd's Plan of Operation"
 100.6000 Election to File a Combined Return
 100.6010 Procedure for Making the Election
 100.6020 Designated Agent for the Members
 100.6030 Combined Estimated Tax Payments
 100.6040 Claims for Credit of Overpayments
 100.6050 Liability for Combined Tax, Penalty and Interest
 100.6060 Combined Amended Returns
 100.6070 Computation of Combined Income and Tax
 100.6080 Definitions and Miscellaneous Provisions Relating to Combined Returns

100.7620 Net Amount (IITA Section 708) (Repealed)
 100.7630 Coordination with IITA Section 701 (IITA Section 708) (Repealed)
 100.7640 Requirement of Withholding-Prizes and Awards (IITA Section 709) (Repealed)
 100.7650 Promoter (IITA Section 709) (Repealed)
 100.7700 Non-Cash Prizes (IITA Section 709) (Repealed)
 100.7750 Certification of Residence (IITA Section 709) (Repealed)
 100.7800 Relative Performance (IITA Section 709) (Repealed)

SUBPART E: DECLARATION AND PAYMENT OF ESTIMATED TAX

Penalty for Underpayments of Estimated Tax-Exception for Payments Based on Prior Year's Liability-Rule for a Taxable Year Following the Taxable Year in which the Personal Property Tax Replacement Income Tax (PPRIT) Became Effective-Corporate Taxpayers (IITA Section 802)
 Penalty for Underpayment of Estimated Tax-Exception for Payments Based on the Prior Year's Facts-Change in the Personal Property Tax Replacement Income Tax (PPRIT) Rate for Corporations on January 1, 1981 (IITA Section 802)

SUBPART F: STATEMENT OF PROCEDURAL RULES

Section
 100.9000 Introduction
 100.9005 Letter Ruling Procedures
 100.9010 General Income Tax Procedures (IITA Section 901)
 100.9020 Taxpayer Representation and Practice Requirements
 100.9030 Collection Authority (IITA Section 901)
 100.9040 Notice and Demand (IITA Section 902)
 100.9050 Assessment (IITA Section 903)
 100.9060 Deficiencies and Overpayments (IITA Section 904)
 100.9061 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
 100.9070 Limitations on Notices of Deficiency (IITA Section 905)
 100.9080 Further Notices of Deficiency Restricted (IITA Section 906)
 100.9090 Waiver of Restrictions on Assessments (IITA Section 907)
 100.9100 Procedure on Protest (IITA Section 908)
 100.9110 Credits and Refunds (IITA Section 909)
 100.9120 Procedure on Denial of Claim for Refund (IITA Section 910)
 100.9130 Limitations on Claims for Refund (IITA Section 911)
 100.9140 Recovery of Erroneous Refund (IITA Section 912)
 100.9150 Access to Books and Records (IITA Section 913)
 100.9200 Conduct of Investigations and Hearings (IITA Section 914)

SUBPART G: JUDICIAL REVIEW

Administrative Review Law (IITA Section 1201)

SUBPART D: INCOME TAX WITHHOLDING

Section
 100.7000 Requirement of Withholding (IITA Section 701)
 100.7010 Compensation Paid in this State (IITA Section 701)
 100.7020 Transacting Business Within this State (IITA Section 701)
 100.7030 Payments to Residents (IITA Section 701)
 100.7040 Employer Registration (IITA Section 701)
 100.7050 Computation of Amount Withheld (IITA Section 701)
 100.7060 Additional Withholding (IITA Section 701)
 100.7070 Voluntary Withholding (IITA Section 701)
 100.7080 Correction of Underwithholding or Overwithholding (IITA Section 701)
 100.7090 Reciprocal Agreement (IITA Section 701)
 100.7100 Cross References
 100.7150 Withholding Exemption (IITA Section 702)
 100.7200 Withholding Exemption Certificate (IITA Section 702)
 100.7250 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)
 100.7300 Reports for Employee (IITA Section 703)
 100.7350 Returns of Income Withheld from Wages (IITA Section 704)
 100.7400 Quarterly Returns Filed on Annual Basis (IITA Section 704)
 100.7450 Time for Filing Returns (IITA Section 704)
 100.7500 Payment of Tax Deducted and Withheld (IITA Section 704)
 100.7510 Correction of Underwithholding or Overwithholding (IITA Section 704)
 100.7550 Requirement of Withholding-Personal Service Contracts (IITA Section 708) (Repealed)
 100.7560 Contracts Indeterminate as to Amount (IITA Section 708) (Repealed)
 100.7570 Series of Identical Contracts (IITA Section 708) (Repealed)
 100.7580 Personal Service Contract (IITA Section 708) (Repealed)
 100.7590 Presence Necessitated (IITA Section 708) (Repealed)
 100.7600 Certification of Residence (IITA Section 708) (Repealed)
 100.7610 Identities Specified in the Contract (IITA Section 708) (Repealed)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

SUBPART H: DEFINITIONS AND RULES OF INTERPRETATION

Section 100.9900 Unitary Business Group Defined (IITA Section 1501)

APPENDIX A: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

TABLE A Example of Unitary Business Apportionment
TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act (Ill. Rev. Stat. 1989, ch. 120, pars. 1-101 et seq.) and authorized by Section 1401 of the Illinois Income Tax Act (Ill. Rev. Stat. 1989, ch. 120, par. 14-1401).

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 p. 84, effective November 29, 1978; amended 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981, amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990, amended at 14 Ill. Reg. 16012, effective September 17, 1990

NOTE: Capitalization denotes statutory language.

SUBPART H: DEFINITIONS AND RULES OF INTERPRETATION

Section 100.9900 Unitary Business Group Defined. (IITA Section 1501)

a) Scope:

This regulation is designed to clarify the meaning of IITA Section

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1501(a)(28)(27), defining "unitary business group", which definition became effective for tax years ending on or after December 31, 1982.

b) Persons related through common ownership:

A unitary business group will be composed exclusively of business corporations. However, see the special rule at 86-111-444-Code Section 100.3700(d) regarding inclusion of shares of partnership unitary business income and factors.

c) The 80-20 U.S. business activity test for prospective members:

The factors to be used in determining whether 80% or more of a person's business activity is conducted outside the United States shall be gross figures without eliminations premised on the person's membership in any unitary business group. However, the factors should relate to the common accounting period, as defined in 86-111-444-Code Section 100.3500, of the unitary business group of which the person being tested could become a member were the person's business activity found to be less than 80% outside the United States. The factors to be used are as follows:

- 1) persons required to apportion business income under IITA Section 304(a) will use property and payroll,
- 2) persons required to apportion business income under IITA Sections 304(b), 304(c) or 304(d) will use the respective factors prescribed in those provisions.

A) In accordance with IITA Section 102 and 26 U.S.C. 7701(b)(9), the phrase "United States" as used in IITA Section 1501(a)(28)(27) shall include only the fifty states and the District of Columbia.

B) Mechanically, the computation of the 80-20 U.S. business activity test requires the formation of one or two fractions, as the case may be, and the subsequent averaging of those fractions to arrive at an overall U.S. business activity in relation to world-wide business activity. The numerators of the fraction represents U.S. property, U.S. payroll, U.S. revenue miles, insurance premiums on property or risk in the U.S. or financial organization business income from sources within the U.S.; the respective denominators are world-wide figures.

C) Cross-reference:

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"functionally integrated through the exercise of strong centralized management."

- B) ANALYSIS AND CONCLUSION: As a result of these facts, Corporations A and D, which would ordinarily be required to apportion business income by means of the three factor apportionment formula of IITA Section 304(a), will constitute one unitary business group; Corporations B and E, which would ordinarily be required to apportion business income by means of the one factor transportation formula IITA Section 304(d) will constitute a second unitary business group; and Corporation C will compute its liability on a non-combined apportionment basis under IITA Section 304(b).

2) EXAMPLE 2:

- A) FACTS:--Same facts as in Example 1, except that Corporation D closed its Illinois factory at the end of last year and now operates exclusively in Illinois.

- B) ANALYSIS AND CONCLUSION:--Since Corporations A and D could ordinarily be required to apportion business income under IITA Section 304(a) on a three factor formula basis, were it not for the fact that such business income was derived solely from Illinois, they cannot be in the same unitary business group under IITA Section 1501(a)(28) as Corporation B and C (one factor transportation companies) or Corporation C (an insurance company).--In addition, since neither Corporation A nor Corporation D conducts any part of the unitary business outside of Illinois, they can not qualify in their relationship to one another to use combined apportionment under IITA Section 304(b) as enacted by Public Act 82-1029.--As a result, Corporations B and E will constitute one unitary business group--computing their liabilities on a combined apportionment basis using the one factor transportation formula; Corporation C will compute its liability on a non-combined apportionment basis using the one factor insurance formula; and Corporations A and D will compute their liabilities in a non-combined basis with each allocating one hundred percent of its business income to Illinois.

3) EXAMPLE 3:

- A) FACTS:--Same facts as in Example 1, except that Corporation D closed its Illinois factory at the end of the last year and now operates exclusively in Indiana.

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For the proper application of the 80-20 United States business activity test to prospective part-year members, see 86 Ill. Adm. Code 100.3500.

- d) Entities using different apportionment formulas under IITA Section 304:

- 1) All members of a unitary business group must be eligible under IITA Section 304 to use the same apportionment formula. As a consequence, a corporation required to use the three factor apportionment formula of Section 304(a) cannot be a member of the same unitary group as a corporation required to use the one factor apportionment formula of IITA Section 304(c), nor may a corporation required to use the one factor apportionment formula of IITA Section 304(c) be a member of the same unitary business group as a corporation required to use the one factor apportionment formula of IITA Section 304(b). The proper method for determining unitary business group memberships under IITA Section 1501(a)(28)(27) is first to identify all entities that are related through common ownership and engaged in either horizontally or vertically integrated enterprises with the requisite exercise of strong centralized management and second, to create from the population of entities thus identified one unitary business group composed of entities required to apportion under IITA Section 304(a), one unitary business group composed of entities required to apportion under IITA Section 304(b), one unitary business group composed of entities required to apportion under IITA Section 304(c) and one unitary business group composed of entities required to apportion under IITA Section 304(d).

12) EXAMPLE 1:

- A) FACTS: Corporation A owns all of the outstanding common stock of Corporations B and C. Corporations B and C each own 30% of the outstanding common stock of Corporation D. Corporation D owns 60% of the outstanding common stock of Corporation E.

Corporation A is a mining company operating exclusively in Illinois. Corporation D is a manufacturing company with factories in Illinois and Indiana. Corporation C is an insurance company earning premiums for insuring property and risks located in Illinois and Indiana. Corporation B is an air freight company and Corporation E is a trucking company, both operating nationwide. In their relationships to one another, the five companies (1) are "steps in a vertically structured enterprise or process" and (2) are

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B) ANALYSIS AND CONCLUSION: On these facts, Corporations A and B constitute a unitary business group under ITA Section 1501(a)(28) and as members of that group they qualify for combined apportionment under ITA Section 304(e) as enacted by Public Act 82-1029, since a part of the unitary business is conducted outside of Illinois. Corporations B, C, and D would compete in Illinois liabilities as indicated in Examples 1 and 2.

e) Common ownership.

Corporations: Direct or indirect control or ownership of more than 50% of outstanding voting stock. Insofar as corporations are concerned, one has direct ownership of the outstanding voting stock of another to the extent that it owns such stock and indirect control to the extent that it owns the voting stock of a third corporation which itself owns such stock. Any combination of direct and indirect control or ownership aggregating more than 50% will suffice to qualify the corporation whose stock is owned for membership in the unitary business group if other tests unrelated to ownership are met.

1) Corporation A owns 60% of the outstanding voting stock of Corporation B which in turn owns 60% of the outstanding voting stock of Corporation C. There is common ownership of Corporations A, B and C by reason of Corporation A's direct ownership of more than 50% of the outstanding voting stock of Corporation B and indirect control of more than 50% of the outstanding voting stock of Corporation C.

2) Corporation A owns 60% of the outstanding voting stock of Corporation B and 60% of the outstanding voting stock of Corporation C. Corporations B and C in turn each own 30% of the outstanding voting stock of Corporation D. Corporations A, B, C and D are all under common ownership by reason of Corporation A's direct ownership of more than 50% of the outstanding voting stock of Corporations B and C and by reason of Corporation A's indirect control of more than 50% of the outstanding voting stock of Corporation D.

3) Corporation A owns 60% of the outstanding voting stock of Corporation B and 40% of the outstanding voting stock of Corporation C. Corporations B and C each in turn own 30% of the outstanding voting stock of Corporation D. Corporations A and B are under common ownership by reason of Corporation A's direct ownership of more than 50% of the outstanding voting stock of Corporation B, but neither Corporations C or D are under common ownership with Corporations A and B because neither Corporation A nor Corporation B has direct or indirect control or ownership

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of more than 50% of the outstanding voting stock of Corporations C or D.

4) Corporation A owns 60% of the outstanding voting stock of Corporation B and 40% of the outstanding voting stock of Corporation C. Corporation B owns 30% of the outstanding voting stock of Corporation D and Corporation C owns 60% of the outstanding voting stock of Corporation D. Corporations A and B are under common ownership by reason of the fact that Corporation A owns more than 50% of the outstanding voting stock of Corporation B, and Corporations C and D are under separate common ownership by reason of the fact that Corporation C owns more than 50% of the outstanding voting stock of Corporation D.

f) Attribution of stock ownership among certain individuals.

For the purpose of ITA Section 1501(a)(28)(27), an individual shall be considered to have indirect control over any stock that he is considered as owning under 26 U.S.C. 318(a)(1).

EXAMPLE: Strictly as an investment, Mr. X and his wife, Mrs. X, each individually own 30% of the outstanding voting stock of Corporation A and 30% of the outstanding voting stock of Corporation B. Corporations A and B are under common ownership within the meaning of Section 1501(a)(28)(27), and assuming that they meet the other requirements of ITA Section 1501(a)(28)(27), they will be members of the same unitary business group. The common ownership stems from the fact that, under Section 318(a)(1) of the Internal Revenue Code, the stock holdings of Mr. X are imputed to his wife and vice versa. Note that it is not necessary in order for Corporations A and B to be members of a unitary business group that the "person" in whom the common ownership is embodied also be a member of the unitary business group.

g) Strong centralized management.

Under ITA Section 1501(a)(28)(27), no group of persons can be a unitary business group unless they are functionally integrated through the exercise of strong centralized management. It is this exercise of strong centralized management that is the primary indicator of mutual dependency, mutual contribution and mutual integration between persons that is necessary to constitute them members of the same unitary business group. The exercise of strong centralized management will be deemed to exist where authority over such matters as purchasing, financing, tax compliance, product line, personnel, marketing and capital investment is not left to each member. Thus, some groups of persons may properly be considered as constituting a

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- E) transportation, or
F) finance

3) IITA Section 1501(a)(48)(27) does not contemplate that the above list be exclusive. For example, two persons that are both involved in rendering services to the public would ordinarily be considered to be in the same general line of business. In this regard, a retailer that renders services that are incidental to its retail business will not be in the same general line of business as a person that is primarily a service dispenser.

4) It is not a requirement of IITA Section 1501(a)(48)(27) that the activities of the two persons in whichever category is applicable relate to the same product or product line in order for the two persons to be in the same general line of business.

5) Two persons are steps in a vertically structured enterprise or process under IITA Section 1501(a)(48)(27) even though other persons who are also steps in that enterprise or process are not members of the same unitary business group because of the intervention of: the 80-20 U.S. business activity test or the rules stated in subsection (d) of this section, relating to the comparability of apportionment formulas of members of a unitary business group.

EXAMPLE 1:

A) FACTS: Corporation A manufactures furniture. Corporation C retails the furniture manufactured by Corporation A. Corporation B is a furniture finisher and wholesaler operating exclusively in Mexico which purchases Corporation A's unfinished furniture, applies the appropriate finishing materials in its Mexican plants, and sells the finished furniture to Corporation C.

B) ANALYSIS AND CONCLUSION. Corporations A and C are steps in a vertically structured enterprise and as such can be members of the same unitary business group. They do not lose their status as steps in a vertically structured enterprise by reason of the fact that they never directly deal with one another, since they both deal with Corporation B which is also a step in the vertically structured enterprise and which would be a member of the unitary business group were it not for the intervention of the 80/20 U.S. business activity test.

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unitary business group under IITA Section 1501(a)(48)(27) when the executive officers of one of the persons are normally involved in the operations of the other persons in the group and there are centralized units which perform for some or all of the persons functions which truly independent persons would perform for themselves. Note in this connection that neither the existence of central management authority, nor the exercise of that authority over any particular function (through centralized operations), is determinative in itself; the entire operations of the group must be examined in order to determine whether or not strong centralized management exists. A finding of "strong centralized management" cannot be supported merely by showing that the requisite ownership percentage exists or that there is some incidental economic benefit accruing to a group because such ownership improves its financial position. Both elements of strong centralized management, i.e., strong central management authority and the exercise of that authority through centralized operations, must be present in order for persons to be a unitary business group under IITA Section 1501(a)(48)(27). Finally, a finding of strong centralized management can be supported even though the authority resides in a person that is not a member of the group, provided that the authority is actually exercised by such person.

h) General line of business and vertically structured enterprises

1) Section 1501(a)(48)(27) of the Act establishes that persons meeting all of the other tests for inclusion in a unitary business group, including common ownership, strong centralized management and comparability of apportionment method, ~~must also~~ will ordinarily be in one of the following relationships to one another:

- A) in the same general line of business, or
B) steps in a vertically structured enterprise or process.

2) IITA Section 1501(a)(48)(27) recites that two persons will ordinarily be considered to be in the same general line of business if they are both involved in one of the following activities:

- A) manufacturing
B) wholesaling
C) retailing
D) insurance

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6) A person will not be a step in a vertically structured enterprise or process unless it is connected to one or more other persons that are steps in the vertically structured enterprise or process by a flow of goods or services, including management or services, to itself or from itself. However, if such a flow of goods or service is present with respect to a particular person, that person's status as a step in the vertically structured enterprise or process shall not depend on the relationship between the price at which such flow exists and the fair market price at which such flow would exist in an arm's length transaction.

EXAMPLE 2:

A) FACTS: Same facts as in the previous example, except that Corporation A can establish that it sells its unfinished furniture to Corporation B at a fair market arm's length price and Corporation C can establish that it purchases the finished furniture from Corporation B at a fair market arm's length price.

B) ANALYSIS AND CONCLUSION: Even with their respective showings that the flow of furniture connecting them to Corporation B existed at an arm's length price, Corporations A and C are still steps in a vertically structured enterprise and can still be members of the same unitary business group.

(Source: Amended at 14 Ill. Reg. 16012, effective September 17, 1990)

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers: 130.1935
Adopted Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 120, par. 441
- 5) Effective Date of Amendment(s): September 18, 1990
- 6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: September 18, 1990
- 9) Notice of Proposal Published in Illinois Register: September 22, 1989, 13 Ill. Reg. 14800 (issue date)
- 10) Has JCAR issued a Statement of Objections to this Rule? No
- 11) Differences between proposal and final version: The following differences between the proposed and final version of the rulemaking resulted from public comment and discussions with the Joint Committee on Administrative Rules:
 1. Section 130.1935(a) sentence 2, the word "canned" was added as the first word of the sentence.
 2. Section 130.1935(a), sentence 3, the second use of the word "sale" is deleted and the word "transfer" is substituted.
 3. Section 130.1935(a), after sentence 3, the following language is added:

"1) A license of software is not a taxable retail sale if:
A) it is evidenced by a written agreement signed by the licensor and the customer;
B) it restricts the customer's duplication and use of the software."

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- C) it prohibits the customer from licensing, sublicensing or transferring the software to a third party (except to a related party);
- D) the vendor will provide another copy at minimal or no charge if the customer loses or damages the software; and
- E) the customer must destroy or return all copies of the software to the vendor at the end of the license period.

EXAMPLE: A retailer of computer software and related products sells or transfers a shrink-wrapped software program to a customer. A "license agreement" contained on or in the package, which by its terms becomes effective upon opening of the package, states that the customer does not receive title to the program and that the customer may not copy the program except to make a backup or archival copy while he owns the program. The license agreement is not evidenced by a written agreement signed by the customer. The license does not prohibit the customer from selling the program to a third party. If the customer loses or damages the program, the vendor will not replace it free or for a minimal charge. Since it fails to meet all the requirements for treatment as an exempt license, the transfer from the vendor to the customer is a taxable retail sale of software.

- 2) Value-added resellers who acquire software for relicensing or transfer to consumers after modification or adaptation of the software may acquire the software as a sale for resale by presenting their suppliers with valid certificates (see, Section 130.1410 of this Part)."
4. Section 130.1935(a) sentence 4, is now the first sentence of Section 130.1935(b).
5. Section 130.1935(a), sentence 5, is now the second sentence of Section 130.1935(b). In addition, the phrase "and maintenance" is deleted and the word "canned" is added before the first use of the word "software" in the sentence.
6. Section 130.1935(a), sentence 6 is now the third sentence of Section 130.1935(b).
7. The last two sentences of Section 130.1935(b) of the adopted rulemaking were added. They state: "Maintenance agreements for software will be treated in the same manner as other maintenance agreements. Sellers of maintenance agreements must pay tax on their

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cost price of the materials transferred incident to the completion of a maintenance agreement."

8. In Section 130.1935(c), line 1 of the adopted rulemaking, "custom computer programs" was added.

9. Section 130.1935(b), sentence 1, was redesignated as Section 130.1935(c)(1), sentence 1 of the adopted rulemaking. The following language was added as the remainder of Section 130.1935(c)(1) of the adopted rulemaking:

"To be considered exempt software, the following elements must be present:

- A) Preparation or selection of the program for the customer's use requires an analysis of the customer's requirements by the vendor; and

- B) The program requires adaptation by the vendor to be used in a specific work environment, e.g., a particular make and model of a computer using a specified input or output device."

10. Section 130.1935(b), sentences 2, 3 and 4 of the proposed rule were redefined as the first 3 sentences of Section 130.1935(c)(2) of the adopted rulemaking.

11. Section 130.1935(c)(2), sentence 4, of the adopted rulemaking was added. This sentence states: "Custom software means the software which results from real and substantial changes to the operational coding of canned or pre-written software in order to meet the specific individualized requirements of the purchaser for his limited or particular use."

12. In Section 130.1935(b) of the proposed rule, the example has been redefined to Section 130.1935(c)(2) of the adopted rulemaking.

13. Section 130.1935(c)(3) was added. This Section states:

The selection of pre-written or canned programs or program modules assembled by the vendor into a software package does not constitute custom software unless real and substantial changes are made to the programs or creation of program interfacing logic. If the pre-written program or module was previously marketed, the new program will qualify as a custom program if the price of the pre-written program was 50% or less of the price of the new program. If the pre-written program was not previously marketed, the new program will qualify as a custom program if the charge made to the customer for custom programming services, as evidenced by the

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records of the seller, was more than 50% of the contract price to the consumer.

14. Section 130.1935(c) of the proposed rule has been recodified as Section 130.1935(d) of the adopted rulemaking.

12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule(s): Taxation of computer software.

16) Information and questions regarding this adopted rule shall be directed to:

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

The full text of the Adopted Amendment begins on the next page:

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TITLE 86: REVENUE

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130.2160 Vendors of Tangible Personal Property Employed for Premiums,
Advertising, Prizes, Etc.
130.2165 Veterinarians
130.2170 Warehousemen

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act (Ill.
Rev. Stat. 1989, ch. 120, pars. 440 et seq.) and authorized by Section 39b3
of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127,
par. 39b3).

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Section 130.1410 of this Part).

b) ~~The exemption for software does not include any machinery or equipment which utilizes the software or acts to transfer the software between media or between media and equipment. Tax applies to the entire charge made to the customer, including charges for all associated documentation and materials. Charges for updates of canned software are considered to be sales of software. Charges for training, telephone assistance, installation and consultation are exempt if they are separately stated from the selling price of canned software. Maintenance agreements for software will be treated in the same manner as other maintenance agreements. Sellers of maintenance agreements must pay tax on their cost price of the materials transferred incident to the completion of a maintenance agreement.~~

c) ~~Computer game cartridges and other types of programming similar to musical recordings, audio tapes and video tapes which merely store information which is played or displayed do not qualify for the exemption. The data must be transferred from the data source to the central processing unit of a computer and be capable of being used therein independently from the source. Any data source which is merely read by the equipment with the data not being transferred so that the data may be used independently from the source will not qualify for the exemption. The exemption does not depend upon the form of the program, the media or whether it is specially designed or of a standard production. Custom Computer Programs~~

1) Custom computer programs prepared to the special order of the customer are not subject to tax. To be considered exempt software, the following elements must be present:

A) Preparation or selection of the program for the customer's use requires an analysis of the customer's requirements by the vendor; and

B) The program requires adaptation by the vendor to be used in a specific work environment, e.g., a particular make and model of a computer using a specified input or output device.

2) Custom computer programs do not include "canned" or prewritten computer programs held for general or repeated sale or lease. Modification of an existing prewritten program to meet the customer's needs is custom software. If modified software is held for general or repeated sale or lease, it is canned software. Custom software means the software which results from real and substantial changes to the operational coding of

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canned or pre-written software in order to meet the specific individualized requirements of the purchaser for his limited or particular use.

EXAMPLE: Canned software is purchased with a resale certificate by a programmer who modifies it to meet a customer's specific needs. The transfer to the customer is exempt from tax. If that program, as modified, is sold to other customers without further modification, it is taxable canned software, as are copies or repeat orders of such modified software.

3) The selection of pre-written or canned programs or program modules assembled by the vendor into a software package does not constitute custom software unless real and substantial changes are made to the programs or creation of program interfacing logic. If the pre-written program or module was previously marketed, the new program will qualify as a custom program if the price of the pre-written program was 50% or less of the price of the new program. If the pre-written program was not previously marketed, the new program will qualify as a custom program if the charge made to the customer for custom programming services, as evidenced by the records of the seller, was more than 50% of the contract price to the consumer.

d) If computer software is sold with a computer hardware in a single integrated transaction, the value of the software must be separately stated so as to be readily identifiable, otherwise the entire transaction will be considered to be a taxable transaction. All software used to operate exempt manufacturing machinery and equipment (see 86 Ill. Adm. Code 130.330) is exempt.

(Source: Amended at 14 Ill. Reg. 16028, effective September 18, 1990)

NOTICE OF ADOPTED AMENDMENT(S)

1) The Heading of the Part: Procedures and Standards2) Code Citation: 92 Ill. Adm. Code 1001

3) Section numbers:
 1001.220 Amendment
 1001.230 Amendment
 1001.240 Amendment
 1001.250 Amendment
 1001.410 Amendment
 1001.420 Amendment
 1001.450 Amendment
 1001.485 New Section

4) Statutory Authority: Subpart A implementing Sections 2-113, 2-118, 6-205, 6-206, and 6-108 and authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, 2-118). Subpart B implementing Chapter 7 and authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, and 7-101 of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114 and 7-101). Subpart C implementing Sections 6-205(c) and 6-206(c)3 and authorized by Sections 2-103 and 2-104 of Chapter 95 1/2 of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 2-103, 2-104, 6-205(c), and 6-206(c)3). Subpart D authorized by Section 6-206(c)3, and 6-208 of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 2-104, 6-103, 6-205(c), 6-206(c)3, and 6-208).

5) Effective Date of Amendment: October 1, 19906) Does this rulemaking contain an automatic repeal date? No7) Does this amendment contain incorporations by reference? No8) Date Filed in Agency's Principal Office: October 1, 19909) Notice of Proposal Published in Illinois Register:

14 Ill. Reg. 5977, April 27, 1990

10) Has JCAR issued a Statement of Objections to these amendments? No11) Differences between proposal and final version:

1. In Section 1001.410 placed a space between the definitions "Office" and "Reinstatement".

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2. In Section 1001.485 changed the action in the Section source note from "Amended" to Added".
3. In Section 1001.220(a) changed "will" to "shall" in the last phrase of the proposed language.
4. In Section 1001.485(c) added the following text: "Proof shall consist of the appropriate documents certified by the other state or jurisdiction."
5. In Section 1001.240(c)(2) replaced "will" with "shall".
6. In Section 1001.485(b) replaced "will" with "shall".

7. Revised the citations in his Authority Note to the 1989 edition of the Illinois Revised Statutes.

8. Deleted the comma after "Sections 2-103" in line two of the Authority Note and add in lieu thereof "and".

9. In Section 1001.410 changed "driver" in the second line of the definition of "Driver License Compact" to "drivers".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules:

This rulemaking makes changes in the hearings rules pertaining to DUI cases. The changes are necessitated by evolutionary development of this area of the law.

Section 1001.220(a) is amended to specify that hearings pursuant to the Illinois Safety Responsibility Act will not be conducted if the uninsured driver fails to request a hearing within 6 months of the notice of is right to a hearing before a suspension for being uninsured takes effect.

Section 1001.230(a) clarifies the present rule to make it clear that the date of occurrence of the accident at issue is irrelevant and jurisdiction for the hearing exists. This amendment pertains to safety responsibility hearings.

Section 110.240(c) is added to establish procedures to hearing situations in which an uninsured driver enters into an installment agreement to pay damages to the injured party, and then defaults on installment agreement,

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and/or requests a hearing to contest liability or the amount of security required to be posted. This situation arises occasionally and this amendment is needed to inform all parties of the proper procedure. This amendment pertains to safety responsibility hearings.

Section 110.250(c)(1) clarifies the default procedure in safety responsibility hearings. If an uninsured driver requests a hearing, but fails to appear for that hearing, the hearing officer will state on the record that notice was sent, a hearing demand was made, but the hearing applicant failed to appear. This amendment confirms the present practice.

Section 1001.250(f) is repealed. This subsection allowed the hearing officer to stay or hold the effectiveness of a suspension for 30 days to allow an uninsured driver to post security or submit proof of insurance. The enactment of the mandatory insurance law, effective January 1, 1990, removes the need for this stay procedure, because all Illinois drivers should have insurance by law on the date of any accident.

Section 1001.410 clarifies the definition of the updated alcohol evaluation, and adds several definitions needed to understand the new Section 1001.485.

Section 1001.420(a)(1) is amended to clarify the types of proof of employment needed for a restricted driving permit when requested by a self-employed person.

Section 1001.450 is amended to delete an obsolete provision concerning repeat hearings.

Section 1001.485 is added to establish the standards and procedures for persons who apply for reinstatement of driving privileges upon their return to residency in Illinois. This section is applicable to those persons whose driving privileges were revoked, and never reinstated in Illinois, yet these applications received driver licenses in another state which is a member of the Drivers License Compact, as is Illinois (see Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 6-700 to 6-708). This section is added to address the requirements imposed in People v. Hutson, 178 Ill. App. 3d 836, 533 N.E. 2d 1128 (Third District 1989).

16) Information and questions regarding these adopted amendments shall be directed to:

Philip S. Howe
Counsel to the Secretary
298 Centennial Building
Springfield, Illinois 62706
217/785-3094

The full text of the Adopted Amendment begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1001
PROCEDURES AND STANDARDS

SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section	Applicability
1001.10	Definitions
1001.20	Right to Counsel
1001.30	Appearance of Attorney
1001.40	Special Appearance
1001.50	Substitution of Parties
1001.60	Commencement of Actions; Notice of Hearing
1001.70	Motions
1001.80	Form of Papers
1001.90	Conduct of Formal Hearings
1001.100	Orders
1001.110	Record of Hearings
1001.120	Invalidity
1001.130	

SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section	Applicability
1001.200	Definitions
1001.210	Hearings: Notice; Location; Procedures; Record
1001.220	Rules of Evidence
1001.230	Scope of Hearings
1001.240	Decisions and Orders
1001.250	Rehearings
1001.260	Judicial Review
1001.270	Invalidity
1001.280	

SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS
IN DRIVERS LICENSE SUSPENSIONS AND REVOCATIONS

Section	Applicability
1001.300	Definitions
1001.310	Right to Representation
1001.320	Records and Reports
1001.330	Location of Hearings
1001.340	Duties and Responsibilities
1001.350	Decisions
1001.360	Invalidity
1001.370	

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SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section	
1001.400	Applicability
1001.410	Definitions
1001.420	General Provisions Relating to the Issuance of Restricted Driving Permits
1001.430	General Provisions for Reinstatement of Driving Privileges after Revocation
1001.440	Provisions for Alcohol and Drug Related Revocations, Suspensions, Cancellations, and Denials
1001.450	New Hearings
1001.460	Requests for Modification of Revocations and Suspensions
1001.470	Renewal, Correction and Cancellation of RDP's
1001.480	Unsatisfied Judgement Suspensions
1001.485	Reinstatement Application Based Upon Issuance of Drivers License in a State Which is a Member of the Driver License Compact
1001.490	Invalidity

AUTHORITY: Subpart A implementing Sections 2-113, 2-118, 2-119, 6-205, 6-206, and 6-108 and authorized by Sections 2-103; and 2-104 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987 1989, ch. 95½, pars. 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, 2-118). Subpart B implementing Chapter 7 and authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-113, 2-114, and 7-101 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987 1989, ch. 95½, pars. 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, and 7-101). Subpart C implementing Sections 6-205(c) and 6-206(c)3 and authorized by Sections 2-103 and 2-104 of Chapter 95½ of the Illinois Vehicle Code (Ill. Rev. Stat. 1987 1989, ch. 95½, pars. 2-103, 2-104, 6-205(c), and 6-206(c)3). Subpart D authorized by Section 2-104 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code (Ill. Rev. Stat. 1988 1989, ch. 95½, pars. 2-104, 6-103, 6-205(c), 6-206(c)3, and 6-208).

SOURCE: Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at 13 Ill. Reg. 15803 effective October 1, 1989, amended at 14 Ill. Reg. 2601 effective February 15, 1990; amended at 14 Ill. Reg. 16041, effective October 1, 1990.

NOTE: Capitalization denotes Statutory language.

SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section 1001.220 Hearings: Notice; Location; Procedures; Record

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a) Subsequent to certification of an uninsured motorist by the Department of Transportation as provided by statute, and upon a preliminary finding that a REASONABLE POSSIBILITY OF A CIVIL JUDGMENT exists, the Secretary shall institute a Notice of Suspension which advises the Petitioner of his/her right to a hearing in lieu of a deposit of security. Any Petitioner by submitting a written request post-marked within 15 days of the mailing date of the Notice of Suspension, will be afforded a full, fair and impartial hearing to contest the preliminary finding of the Secretary. Hearing requests received within six months after the prescribed time will be granted; however, the suspension will not be stayed or removed pending the hearing. Any Petitioner not requesting a hearing within six months of the mailing date of either a Notice of Suspension, or of a letter from the Secretary of State, sent in lieu of a Notice of Suspension, accepting compliance and notifying the Petitioner of the right to a hearing, shall be deemed to have waived the right to a hearing, and no such request shall be granted.

b) The decision resulting from the hearing shall be based upon the following factors: whether said Petitioner, as a motor vehicle owner or operator, has been involved or whose vehicle has been involved in a motor vehicle accident occurring within the State of Illinois and which has resulted in bodily injury or death of any person or in which damage to the property of any one person exceeds the amount provided by statute; whether Petitioner is exempt from the Safety Responsibility Law and whether there exists a reasonable possibility of a civil judgment against the Petitioner. The Petitioner shall bear the burden of proof throughout the proceedings. The standard of proof shall be a preponderance of the evidence.

c) The hearing shall be initiated by the issuance of a Notice of Hearing by the Secretary. Said notice shall be served upon the Petitioner, as the party against whom action may be taken by the Secretary, any interested party, and any attorney of record.

d) The Notice of Hearing shall be a written statement setting forth, but not limited to the following information; to wit:

- 1) The name of the Petitioner;
- 2) The name and address of any claimants or injured parties;
- 3) The date, time, place, and nature of the hearing;
- 4) The matters to be addressed at the hearing;
- 5) The name of the Hearing Officer;

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- 6) The specific sections of the Statutes involved; and
- 7) The statutory authority pursuant to which the hearing is being conducted.
- 8) Advise the Petitioner that a failure to appear will result in the denial of any relief requested and that at any rehearing granted under Section 1001.260 the Petitioner will be deemed to have waived the right to subpoena, or cross-examine witnesses that testified at the original hearing.
- e) Hearings shall be conducted in the Counties of Cook, DeKalb, Will, Rock Island, Tazewell, Adams, Sangamon, Champaign, Coles, Kane, Marion, St. Clair, Jackson, and in such other locations as the Secretary shall from time to time designate. If the Secretary determines to abandon or change the location of the hearing outside the counties where any one of the thirteen (13) original hearings locations are situated, which are located in the counties listed in the previous sentence, the Secretary shall publish in a local newspaper of general circulation in each county served by such office, twenty days prior notice thereof. The notice shall indicate the reasons for such determination and shall identify the new location proposed to serve each county, if known at the time of publication.

- f) Every hearing shall be presided over by a Hearing Officer duly appointed by the Secretary. The Secretary shall also appoint a representative to appear and participate in his behalf. Prior to the taking of evidence, a Petitioner may request the disqualification of the Hearing Officer by making a motion for same, stating the specific grounds upon which it is alleged that a fair and impartial hearing cannot be afforded the Petitioner by the Hearing Officer. The Hearing Officer will rule upon the motion and the motion shall be granted if the Hearing Officer previously heard the case, or is personally acquainted with the parties. If the motion is denied, the hearing will proceed. If the motion is granted, the case shall be transferred to another Hearing Officer for a same day hearing if possible. If not possible, a new hearing date will be established and a new Hearing Officer shall be assigned by the Secretary. The Hearing Officer shall have authority to conduct the hearing, to rule on all motions, to administer oaths, to subpoena witnesses or documents at the request of any party, to examine witnesses, and to rule upon the admissibility of testimony and evidence.

- g) Each party to the hearing shall have the following rights:

- 1) The right to the issuance of subpoenas upon a ten (10) business day written request directed to the Hearing Officer;

- 2) The right to call and examine witnesses;
- 3) The right to cross-examine witnesses on any matter relevant to the issues, even though the matter was not covered on direct examination;
- 4) The right to introduce exhibits; and
- 5) The right to obtain in advance, upon written request, copies of all related police reports not designated confidential by State Law. Such requests must be submitted at least 10 business days prior to the hearing date to be considered. The parties may request copies of the related police reports at the hearing if the need for such copies could not be foreseen before the hearing, or the need for them arose because of issues or allegations adduced at the hearing.
- h) The Petitioner shall have the right to appear in person and be heard through an attorney at law licensed to practice in the State of Illinois or any law student licensed under Supreme Court Rule 711. If the Petitioner does not testify on his own behalf, he may be called by the representative of the Secretary and examined as if under cross-examination.

- 1) Attorneys admitted to practice in states other than the State of Illinois may appear by special leave of the Hearing Officer appointed to conduct the hearing, upon the attorney's verbal representation or written documentation as to the attorney's admittance.

- 2) A natural person may appear and be heard in his own behalf.

- 3) A corporation, association, or partnership may appear and present evidence by any bona fide officer, employee, or representative.

- 4) Only an attorney mentioned above, properly licensed shall represent anyone else in any hearing in any matter involving the exercise of legal skill or knowledge. The standards of conduct shall be the same as before the Courts of the State of Illinois.

- i) The proceedings shall be recorded by a suitable electronic method. The Petitioner may furnish, at his own expense, a certified shorthand reporter. All records taken pursuant hereto shall be properly cataloged and preserved by the Secretary for a period of at least forty-five (45) days from the entry of the Hearing Officer's order. Oral proceedings, or any part thereof, shall be transcribed upon request of the Petitioner, any party, or their counsel at said

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requesting party's personal expense as specified in 2 Ill. Adm. Code 551.150, or the cost of an audio tape, plus mailing.

j) The record of a hearing held pursuant hereto shall include, but not be limited to, the following, to wit:

1) The notices, pleadings, and responses thereto;

2) The motions and rulings thereon;

3) The matters officially noticed;

4) The offers of proof made, objections thereon, and rulings thereon;

5) The opinions, recommendations, or reports by the Hearing Officer, Secretary, or Department; and

6) A transcript of the proceedings.

k) The Secretary will provide an interpreter for hearing impaired Petitioners and Interested Parties who wish to testify; providing a language interpreter, however, is the responsibility of the Petitioner or Interested Parties.

(Source: Amended at 14 Ill. Reg. 16041, effective October 1, 1990)

Section 1001.230 Rules of Evidence

a) The Hearing Officer shall conduct the hearing, and with respect thereto, shall have, but not be limited to, the following powers; to wit:

1) The authority to administer oaths;

2) The authority to examine witnesses;

3) The authority to issue subpoenas; and

4) The authority to rule upon the admissibility of evidence.

b) The hearing need not be conducted according to strict rules of evidence. Any relevant evidence may be admitted in a hearing held pursuant hereto if it is of the type relied upon by reasonable, prudent persons in the conduct of their affairs, regardless of the existence of any common law or statutory rule which would render it inadmissible over objection in civil or criminal actions. The rules pertaining to privileged communications shall be recognized in these hearings to the same extent as they are recognized in civil actions.

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Irrelevant and unduly repetitious evidence shall be excluded upon objection. Objections to evidentiary offers may be made and shall be noted in the record, and ruled upon by the Hearing Officer. Any party may make an offer of proof following an adverse evidentiary ruling. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form. Subject to the evidentiary requirements of this subsection, a party may conduct cross-examination required for a full and fair disclosure of the facts.

c) The Secretary may offer into evidence, and same shall be received into evidence by the Hearing Officer, any accident report forms required by Sections 11-406 and 11-410 of the Code and reports in the Secretary's possession furnished by any law enforcement agency that may have investigated the accident. The person who made such report need not be present or testify at the hearing; however, if such person is present his testimony may be taken in corroboration or in lieu of the aforementioned reports. Accident reports may be used in support of the preliminary finding of the Secretary when used in conjunction with testimony or other evidence, or when the Petitioner refuses to testify.

d) In cases where the operator of a motor vehicle is not the owner, the establishment of ownership of the motor vehicle creates a rebuttable presumption that the vehicle was being operated by the agent of the owner. As such, the owner is liable for the negligence of the agent. Agency may also be proven by other admissible evidence. The weight given the presumption and whether it is overcome, or whether agency is proven, are questions of fact for determination by the Hearing Officer. This presumption applies equally to private and commercial vehicles.

e) Upon proper motion, the Hearing Officer may grant Petitioner leave to submit additional relevant evidence. Leave must be granted for a time certain in no case to exceed 30 calendar days from the date of the hearing. Leave to submit additional evidence must be made a matter of record. Leave will not be granted to submit insurance letters or proof of compliance.

f) The jurisdiction of the Safety Responsibility Hearing applies to accidents which occur anywhere in Illinois and regardless of when the accident occurred. (See Sections 7-201 and 11-201 of the Code).

(Source: Amended at 14 Ill. Reg. 16041, effective October 1, 1990)

Section 1001.240 Scope of Hearings

a) The issues to be determined at the hearing are the following; to

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wit:

- 1) The identity of the driver(s) involved in the accident;
- 2) The identity of the owner(s) of the vehicle(s) involved in the accident;
- 3) The nature and extent of the the bodily injury or property damage sustained in the accident;
- 4) Whether there is a reasonable possibility of either of the following situations occurring, to wit:

- A) A judgement being rendered against the Petitioner for liability resulting from bodily injury occasioned by the accident; or
- B) A judgment being rendered against the Petitioner for liability in an amount in excess of the statutory minimum of \$250 resulting from property damage to the property of any one person occasioned by the accident.

- 5) Should it be so determined that either of these two factual situations exist, the preliminary finding of the Secretary shall stand.

- 6) The existence of any other issue or element necessary to the establishment of a case, if same is contested by the Petitioner.

- b) The law of negligence as determined by the Illinois Supreme Court and the Illinois General Assembly will apply in the decisions made from the hearings.

- c) If a Petitioner requests a hearing and there is evidence of an installment agreement in the file, the Hearing Officer shall go on the record at the time of the scheduled hearing.

- 1) If the Petitioner wishes to contest liability or the amount of the security deposit required by the Department of Transportation certification, a full hearing shall be conducted based upon the facts of the accident and the amount of the damages involved. The validity of the installment agreement shall not be an issue and the hearing shall proceed as if no installment agreement exists.

- A) If the decision of the Hearing Officer is to exonerate the Petitioner, the Hearing Officer shall return the installment agreement to the Petitioner and inform the Petitioner

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that the decision does not alter the validity of the installment agreement.

- B) If the decision of the Hearing Officer is that the Petitioner did not rebut the preliminary finding of the Secretary, the Hearing Officer shall make such a finding, along with a finding regarding the amount of the security deposit required, as well as a finding that the Petitioner is in compliance by virtue of submission of the installment agreement.

- C) A hearing in the case shall be held even though there has been a default on the installment agreement.

- 2) If the Petitioner does not wish to contest liability or the amount of the certification, the Hearing Officer will go on the record and state these facts. The installment agreement will be forwarded to the Safety and Financial Responsibility Division, Driver Services Department, Illinois Secretary of State, and no action will be taken against the driving and registration privileges of the Petitioner at that time.

(Source: Amended at 14 Ill. Reg. 16041, effective October 1, 1990.)

Section 1001.250 Decisions and Orders

- a) Upon the completion of the presentation of evidence, if the Petitioner is unable to present a preponderance of evidence rebutting the preliminary finding of the Secretary or otherwise exempting the Petitioner from the purview of the statute, the Hearing Officer shall direct that an Order of Suspension be entered. However, if the Petitioner rebuts by a preponderance of the evidence the preliminary finding of the Secretary or otherwise establishes that the Petitioner is exempt from the purview of the statute, the Hearing Officer shall direct that an Order of Exoneration be entered and further direct that the Petitioner be dismissed.

- b) A copy of the Order entered pursuant to a hearing shall be served, as soon as practicable after entry of said Order, upon the Petitioner in the same manner as provided in Section 1001.220(c) above for the service of the Notice of Hearing.

- c) Decision on Petitioner's Refusal or Non-Appearance.

- 1) If the Petitioner fails to appear at the hearing, the Hearing Officer shall go on the record, state the Petitioner failed to appear and is ~~Petitioner will be~~ held to be in default. However, an attorney, who has filed an appearance on behalf of the Petitioner, may appear and present motions, and the

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provisions at Section 1001.220(f) shall be followed. If the attorney, in such a case, requests a continuance which is denied, the matter shall proceed and an appropriate order entered.

- 2) If a Petitioner appears for a hearing and refuses to testify on the grounds that any answer of his/hers may tend to incriminate him/her, then the Hearing Officer shall take an adverse inference from the refusal to testify and shall consider the adverse inference in addition to other evidence in determining whether the Petitioner should be suspended or exonerated. If the Petitioner appears and refuses to testify without asserting the right against self-incrimination, the Hearing Officer shall enter any appropriate order as is required by the evidence and these rules.

- d) Except for evidence depositions admissible under the law of the State of Illinois, oral testimony shall be given greater weight by the Hearing Officer than a written statement which is unsubstantiated by oral testimony or other documentary evidence, on the same issue. In determining the weight to be accorded evidence the Hearing Officer shall take into account the demeanor and/or credibility of the proponent of the evidence. The certification from the Illinois Department of Transportation regarding the dollar amount of damages shall be given greater weight than oral testimony which is unsubstantiated by written corroboration, unless the witness is qualified as an expert in the field.

- e) Continuances.

- 1) Any party may, for good cause, request a continuance of the hearing provided same is postmarked not less than ten (10) days prior to the hearing. Said request shall be in writing and shall set forth the grounds alleged therefore. Oral requests will not be considered, unless made at the hearing for good cause shown.
- 2) If good cause is shown, the hearing will be rescheduled and all parties notified as required in this Rule.
- 3) Good cause is shown when it is demonstrated that a real and compelling need for additional time exists, such as, but not limited to, service in the armed forces, serious illness, family death, act of God, relating to any party or that party's attorney.
- 4) A request for a continuance to allow Petitioner time to submit proof of compliance shall not constitute good cause.

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- 5) No case may be continued "generally". Cases must be set for hearing no more than 60 days from the date the motion for continuance is made.

f)---Upon oral motion or written request of the Petitioner or Secretary, and for good cause shown, the Hearing Officer may stay the execution of any Administrative Order for a period not to exceed thirty (30) days.

(Source: Amended at 14 Ill. Reg. 16041, effective October 1, 1990)

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section 1001.410 Definitions

"Abstinence" means to refrain from consuming any type of alcoholic liquor or drugs.

"Abstract" means a summary of a driver's record of traffic law violations, accidents, suspensions, revocations, cancellations, address and personal information of the driver, as contained in the files of the Office of the Secretary of State.

"Accredited educational course" means any class or course of instruction offered by an accredited educational institution, which course is either vocational in nature, or is part of the matriculation process in receiving an academic degree, diploma, or certificate. It shall also include attendance at any required instructional class in an apprentice program.

"Accredited educational institution" means any school, or institution, whether public or private, which offers classes or courses of instruction, and which is reviewed and approved or granted a waiver of approval by the controlling state agency.

"Alcohol and Drug Evaluation (Original)" means a typewritten report which conforms to standards established by the Illinois Department of Alcoholism and Substance Abuse (DASA). (See 77 Ill. Adm. Code 2056.305) The evaluation must be completed on a form prescribed by DASA. The evaluation must be signed and dated by both the evaluator and the Petitioner.

"Alcohol and Drug Evaluation (Update)" means a typewritten report which conforms to standards established by the Department, as specified in Section 1001.440(a)(6)(B) of this Subpart. The evaluation must be completed on a form prescribed by the Department. The update evaluation must be completed by the evaluator who program

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which did the original evaluation.

"Alcohol and Drug Related Driver Remedial Program" means an education program concerning the effects of alcohol/drugs on drivers of motor vehicles.

"Applicant" or "Petitioner" is the party who seeks or applies for relief from the Office from the suspension, revocation, cancellation, or denial of his/her driving privileges pursuant to the provisions of the Illinois Vehicle Code.

"BAC" means blood alcohol concentration as determined by a chemical test administered by police authorities or medical personnel to measure the concentration of alcohol in the bloodstream.

"Clinical Impression" means a qualified professional's (See definition of "Alcohol or Drug Evaluation") interpretation of specific data, which is obtained during an evaluation process, regarding the nature and extent of an individual's use of alcohol and/or other drugs.

"DASA" means the Illinois Department of Alcoholism and Substance Abuse.

"Department" means the Department of Administrative Hearings of the Office of the Secretary of State.

"Designated Driver Remedial or Rehabilitative Program" means an alcohol or drug evaluation, an alcohol or drug related driver remedial program, an alcohol or drug treatment program, the Office driver improvement program, or any similar program intended to diagnose and change an Applicant's driving problem as evidenced by the Applicant's abstract. (See Sections 6-205(c) and 6-206(c)3 of the Code.

"Director" means the Director or Acting Director of the Department.

"Documentation of Abstinence" means testimony and documentation, in the form of affidavits, letters, etc. from individuals who have regular, frequent contacts with the Petitioner (e.g. spouse, significant other, employer, co-workers, roommates) verifying that to the best of their knowledge the Petitioner has been abstinent from alcohol/drugs for a specified period of time.

"Driver License Compact" is an agreement among signatory states which deals with the problems of: issuing drivers licenses to people who move from one signatory state to another; and drivers who are licensed in one signatory state and convicted of traffic offenses in other such states. Said Compact has been codified in Illinois

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and is found in Chapter 6, Article VII, of the Code

"DUI" means driving under the influence.

"Employ" or "Employment" shall all relate to activity for compensation to support oneself or one's dependents as well as activities ordered by a court in connection with a sentence which includes the completion of a term of community service.

"Evaluator" means any person qualified to conduct an alcohol and drug evaluation, which would include either a staff member of a DUI program licensed by DASA who satisfies that Department's qualifications, or physician. Evaluations may be performed by staff members of hospital based DUI programs where: the program is licensed by DASA to provide evaluations; the Petitioner has participated in and completed alcohol/drug treatment at the hospital; or where a previous evaluation by the program was submitted and accepted by the office of the Secretary of State. (See 77 Ill. Adm. Code 2056.1).

"Fee" means the statutory fees for restricted driving permits or reinstatement of driving privileges, as specified in Section 6-118 of the Code.

"Hearing" means Informal Hearings and Formal Hearings.

"JDP" means a Judicial Driving Permit, as defined by Section 6-206.1 of the Code which may be ordered by the court of venue to "first offenders" as defined in Section 11-501.1 of the Code.

"Level I - Non-problematic (Minimal Risk)" means the classification resulting from an alcohol and drug evaluation assigned to an Applicant who has no prior convictions or court ordered supervisions for DUI, a blood alcohol concentration (BAC) at time of arrest of less than .20, and no other symptoms of alcohol or drug abuse or dependence within the past twelve months. (See 77 Ill. Adm. Code 2056.310).

"Level II - Problematic Use (Moderate Risk)" means the classification resulting from an alcohol and drug evaluation assigned to an Applicant who has no prior conviction(s) or court ordered supervision(s) for DUI and a blood alcohol concentration (BAC) at the time of arrest of .20 or higher and no other symptoms of alcohol or drug abuse within the past twelve months. (See 77 Ill. Adm. Code 2056.310).

"Level II - Problematic Use (Significant Risk)" means the classification resulting from an alcohol and drug evaluation assigned to an Applicant who has prior conviction(s) or court ordered supervi-

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sions(s) for DUI and/or a blood alcohol concentration (BAC) of .20 or higher as a result of the most current arrest for DUI and/or other symptoms of alcohol or drug abuse. (See 77 Ill. Adm. Code 2056.310).

"Level III - Problematic Use Dependent (High Risk)" means the classification resulting from an alcohol and drug evaluation assigned to an Applicant with symptoms of alcohol and/or drug dependence. (See 77 Ill. Adm. Code 2056.310).

"National Driver Register" means a central index, maintained by the U.S. Department of Transportation, of individuals whose driving privileges are denied, terminated or withdrawn, as reported by the states' driver licensing authorities.

"Office" means the Office of the Secretary of State and not any particular department address, or location.

"Reinstatement" means the restoration of driving privileges entitling the Applicant to apply for a new drivers license in accordance with the requirements of the Illinois Vehicle Code and the Rules promulgated thereunder.

"Respondent" means a person against whom a complaint or petition is filed, or who, by reason of interest in the subject matter of a petition of application or the relief sought therein, is made a Respondent or to whom an order or complaint is directed by the Department initiating a proceeding.

"RDP" means a restricted driving permit, as defined by Section 1-173.1 of the Code and limited as specified in Sections 6-205(c) and 6-206(c)(3) of the Code.

"Secretary" means the Illinois Secretary of State.

"Self-help Program" means an independent non-profit organization comprised of individuals who hold voluntary meetings specifically to help each member to achieve and/or maintain abstinence from alcohol and/or other drugs.

"Significant Other" means any person with whom an individual is experiencing an ongoing, close association that represents a meaningful part of that individual's established lifestyle (e.g. spouse, other family member, employer, co-worker, clergy member, roommate).

"Support/Recovery Program" means specific activities which a recovering alcoholic/chemically dependent person has incorporated into his/her lifestyle to help support his/her continued abstinence from

alcohol and other drugs. This may include, but is not limited to participating in a self-help group (Alcoholics Anonymous, Narcotics Anonymous, etc.), a professional support group, or regularly and frequently engaging in religious activities which have a distinct and positive effect on an individual's continued abstinence. Any activity and its relationship to the individual's ability to remain abstinent must be clearly identified and verified by proper documentation independent from an individual's self report (such as indicated in Section 1001.440(e)-(4)). The Hearing Officer shall determine the viability of the activity as a means of supporting continued abstinence, taking into account all the evidence brought forward at the hearing.

"Undue Hardship" as it relates to educational pursuits means an extreme difficulty in getting to and from the location of the accredited education course, due to the loss of driving privileges. It is more than mere inconvenience to the Applicant, and pertains only to the Applicant. All other reasonable means of transportation must be unavailable to the Applicant. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue Hardship" relating to employment means, as used in the context of Sections 6-205(c) and 6-206(c)(3) of the Code an extreme difficulty in regard to getting to or from an Applicant's place of employment or to operate on a route during employment, e.g. as delivery person, because of the suspension, revocation, or cancellation of the Applicant's driving privileges. It is more than mere inconvenience on the Applicant, and pertains only to the Applicant. All other reasonable means of transportation must be unavailable to the Applicant. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue Hardship" as it relates to necessary medical care means an extreme difficulty in regard to getting to and from a location where an Applicant or a member of his/her immediate family receives examinations, therapy or treatment, etc., prescribed or recommended by a physician and, in the case of a diagnosis or clinical impression of alcoholism/chemical dependency, where an Applicant is participating in an ongoing support program as prescribed or recommended by a physician or other qualified professional. It means more than mere inconvenience. There must be no other reasonable alternative means of transportation available. An undue hardship is not demonstrated by the mere fact that the Applicant's driving privileges are suspended or revoked.

(Source: Amended at 14 Ill. Reg. 16041, effective October 1, 1990)

Section 1001.420 General Provisions Relating to the Issuance of Restricted

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Driving Permits

a) RDP Classifications

1) An Applicant for an employment related RDP must be currently employed, or present a verifiable commitment for employment, and the employment must be verified upon forms prescribed by the Department. If the Petitioner is self-employed, evidence of self-employment can include, but is not limited to stationery, business card, official receipt, check, State or Federal tax returns or letters from business associates.

2) An Applicant for a RDP for medical or treatment purposes must provide verifiable documentation from the doctor, counselor or program involved.

3) An Applicant for a RDP for court ordered community service must provide certified court documents detailing the terms of the service, including but not limited to the place or places the service is performed, the hours during which the service is to be performed and the nature of the service.

4) An Applicant for an educational RDP must be currently enrolled, or intend on enrolling, in an accredited educational institution for the purpose of taking an accredited educational course or courses. Prior to the issuance of any educational RDP, the Applicant must submit verification of such enrollment from the institution. Such verification shall be on a form provided by the Secretary of State.

b) A RDP may be granted only after suspension, revocation, or cancellation for the offenses listed in Sections 6-205, 6-206, 6-303, 6-201(a)5 as it relates to 6-103.4 and 11-501.1 of the Code. Applicants who are eligible to apply for a JDP will not be considered for a RDP.

c) An Applicant must prove by clear and convincing evidence that an undue hardship is currently being suffered as a result of the inability to legally operate a motor vehicle. Mere inconvenience to the Applicant, or family and friends is not undue hardship. The Applicant should produce clear and convincing evidence as to the unavailability of reasonable alternative means of transportation, such as but not limited to: walking, mass transit, car pools, or being driven; how Applicant is currently getting to his/her destination; whether driving is required in the course of employment; the distance between the Applicant's residence and his/her destination; and similar factors relating to employment, necessary medical care, and/or educational pursuits.

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1) Appropriate limits will be established for necessary on-the-job driving. The days, hours, and mileage limits will not exceed those absolutely necessary for the accomplishment of the applicant's primary employment and shall be limited to a maximum of twelve (12) hours per day and six (6) days per week unless the request for increased limits is substantially documented, such as through an employer's verification of the Petitioner's work schedule.

2) A medical RDP may include attendance at no more than three self-help program meetings per week.

3) An educational RDP will be subject to appropriate limits necessary to allow the Applicant to get to and from the subject institution/courses. The days and hours will not exceed those absolutely necessary for that purpose and shall be limited to a maximum of twelve (12) hours per day and six (6) days per week. Additional parameters to consider in setting such limits shall include whether the Applicant commutes daily to the courses, or lives on or within a radius of (1) mile from the campus and only needs to drive to and from the institution on an infrequent basis (less than once per week) and is then able to get to the courses by other means of transportation. Such permit shall expire at the conclusion of the period in which the Applicant is currently enrolled. Each new enrollment period shall require a new application for an educational RDP.

d) Factors which will be considered by the Department in determining the propriety of granting a Petitioner a RDP include, but are not limited to: the Applicant's age; whether the Applicant has driven while suspended or revoked; duration of present employment; number of years licensed to drive; number, severity, and frequency of accidents; frequency, type, and severity of traffic violations; efforts at rehabilitation or reform of past driving practices; demeanor of Applicant in hearing; credibility of Applicant and witnesses in hearing; credibility and weight of Applicant's documentary evidence; Applicant's total driving record, including but not limited to reasons for violations, prior permits issued (unless such permits were issued pursuant to the order of a circuit or appellate court following an administrative review action) and driving record while on such permits, driving history in another state if licensed previously; reports of probation and/or parole officers; and psychiatric reports where the evidence shows that Petitioner is suffering or has suffered from a mental disorder which might affect his/her ability to operate a motor vehicle in a safe and responsible manner.

e) The effect of the issuance of a RDP upon public safety will be carefully considered before any RDP is granted, pursuant to Sections 6-205(c) and 6-206(c)3 of the Code.

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- f) No RDP will be issued while any ticket is pending against him/her in any court of this or any other state, unless the pending citation or citations are also the cause of an open summary suspension or suspensions.
- g) A Petitioner who is otherwise eligible for a RDP may be referred to a remedial or rehabilitative program prior to the permit's issuance, if his/her driving record warrants such measures. (See Sections 6-205(c) and 6-206(c)(3) of the Code).
- h) A Petitioner otherwise eligible for reinstatement of driving privileges or termination of a cancellation under 6-201(a)5 as it relates to 6-103.4, may be issued a RDP for a probationary or trial period, prior to full reinstatement of driving privileges or termination of cancellation in cases where the Petitioner has a poor driving record evidenced by many minor violations or a few serious violations or has been evaluated as Level II or Level III by an alcohol/drug evaluation.
- i) A RDP will be issued to an out-of-state resident only if he/she has a valid license to drive issued by the jurisdiction in which he/she resides; he/she has a verified employment, medical, or educational related need to drive in Illinois; and he/she complies with all other requirements of this Subpart.
- j) A RDP will not be issued to a new resident of Illinois if his/her driving privileges are suspended or revoked in another jurisdiction until such time as that suspension or revocation ends.
- k) No fees will be collected before a decision is made on an application.
- l) The Director or a designee shall make the final decision, on each application, on behalf of the Secretary. Applicants will receive a copy of the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommendations, and the Secretary's Order.
- m) A Petitioner will be required to complete and submit an alcohol and drug evaluation as part of the Secretary's investigative process, where the evidence indicates that alcohol or drug use may have been involved in a traffic violation, a traffic accident or any crime.
- n) A Petitioner will be required to submit to a driver's license examination prior to the issuance of a RDP if no such test has been successfully completed in the preceding twelve (12) months.

(Source: Amended at 14 Ill. Reg. 16041, effective October 1, 1990)

Section 1001.450 New Hearings

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- a) If an Applicant is denied any relief after a Formal Hearing conducted pursuant to the Rules of Subpart A hereof, either for cause or upon default no new formal or informal hearing will be granted to that Applicant until at least four (4) months have elapsed since the date of the hearing.
- b) --- No new hearing will be granted to an Applicant if that Applicant has a case pending in administrative review on the same issue.

(Source: Amended at 14 Ill. Reg. 16041, effective October 1, 1990)

Section 1001.485 Reinstatement Application Based Upon Issuance of Drivers License in a State Which is a Member of the Driver License Compact

- a) An Applicant who is revoked in Illinois, is issued full driving privileges by a state that is a member of the Driver License Compact, and who requests reinstatement based upon that fact must request a hearing to apply for reinstatement to determine whether the license was properly issued.
- b) In determining whether the license was properly issued by the member state, the following factors shall be in issue:
- 1) whether one year has passed from the effective date of the revocation;
 - 2) whether the Applicant disclosed to the issuing state that the individual's privileges were withdrawn by the State of Illinois at the time of the application for the license in the other state;
 - 3) whether the issuing state verified eligibility with the National Driver Register;
 - 4) whether or not Illinois issued a clearance authorization indicating that the Applicant is eligible for full driving privileges in Illinois;
 - 5) whether the issuing state complied with all other requirements of the Driver License Compact;
 - 6) such other issues as may be deemed relevant at the hearing.
- c) The burden of proof is upon the Applicant who must show by clear and convincing evidence that the license was properly issued by the member state. Proof shall consist of the appropriate documents certified by the other state or jurisdiction.
- d) If the Applicant cannot show that the license was properly issued by

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the member state, then prior to any reinstatement of driving privileges, all of the provisions of this Part 1001 are applicable and must be complied with.

(Source: Added at 14 Ill. Reg. 16041, effective October 1, 1990)

- 1) Heading of Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) Section Numbers: Peremptory Action:

125.260Amended

125.270Amended

125.280Amended

125.400Amended

4) Reference to the Specific State or Federal Court Order:
Federal Rule or Statute which requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act (Ill. Reg. Stat. 1989), ch. 56 1/2, par. 316); the Federal Meat Inspection Act (21 U.S.C.A. 661); the Federal Poultry Inspection Act (21 U.S.C.A. 454); 55 FR 34678 (1990).

5) Statutory Authority: The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1989, ch. 56 1/2, par. 316).

6) Effective Date: September 24, 1990

7) A Complete Description of the Subjects and Issues Involved:

In order to maintain an "equal to" status with the federal meat and poultry inspection programs as required by the Federal Meat Inspection Act, the Federal Poultry Inspection Act, and in compliance with Section 16 of The Meat and Poultry Inspection Act, changes in the federal rules relative to meat and poultry inspection are hereby adopted.

Sections 317, 318, 319 and 381 of the Federal Meat Inspection regulations and Federal Poultry Inspection regulations have been amended to permit the use of wheat gluten, tapioca dextrin, whey protein concentrate, and sodium caseinate as binders in various meat and poultry products. The Food and Drug Administration has affirmed that these ingredients are recognized as safe for use in food. The rules require that the name of any binder used in meat and poultry products appear on the product label. Unnecessary repetition of approved binders information has been eliminated.

The use of these products is voluntary; therefore, any economic impact incurred by using these products is at the option of the establishment owner.

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed in Agency's Principal Office: September 4, 1990
- 10) This rule is in compliance with Section 5.03 of the Illinois Administrative Procedure Act.
- 11) Are there any proposed amendments pending to this Part? No
- 12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.
- 13) Information and questions regarding this adopted amendment shall be directed to:
 Name: Donna Garman
 Address: Illinois Department of Agriculture
 State Fairgrounds, Springfield,
 Illinois 62794-9281
 Telephone: 217/785-0112

The full text of the Peremptory amendment begins on the next page:

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TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER I: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

PART 125
 MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR
 POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation

SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product

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125.280 Meat Definitions and Standards of Identity or Composition
 125.290 Transportation
 125.300 Special Services Relating to Meat and Other Products
 125.305 Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section
 125.310 Application of Inspection
 125.320 Facilities for Inspection
 125.330 Sanitation
 125.340 Operating Procedures
 125.350 Ante-Mortem Inspection
 125.360 Post-Mortem Inspection; Disposition of Carcasses and Parts
 125.370 Handling and Disposal of Condemned or Inedible Products at Official Establishments
 125.380 Labeling and Containers
 125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
 125.400 Definitions and Standards of Identity or Composition
 125.410 Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1989, ch. 56 1/2, par. 301 et seq.) and The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 16).

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2037, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10

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Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990.

SUBPART B: MEAT INSPECTION

Section 125.260 Labeling, Marking and Containers

a) The Department incorporates by reference 9 CFR 317.1 through 317.2(j)(10), 317.2(j)(12) through 317.4(d)(1), 317.5 through 317.6, 317.8, 317.10 through 317.14, 317.17 through 317.20(d) (1984; 49 FR 4715, effective Feb. 8, 1984; 49 FR 18998, effective June 3, 1984; 49 FR 2335, effective July 17, 1984; 50 FR 19903, effective July 12, 1985; 50 FR 21420, effective June 24, 1985; 51 FR 29456, effective September 17, 1986; 51 FR 30052, effective September 22, 1986; 53 FR 7493, effective

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April 8, 1988; 53 FR 28634, effective August 29, 1988; 53 FR 49848, effective January 11, 1989; 55 FR 7289, effective August 28, 1990; 55 FR 34678, effective September 24, 1990).

- b) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.
- c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(d)(1). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration of the temporary approval.
- e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act (Ill. Rev. Stat. 1983, ch. 147, par. 101 et seq.) and the rules adopted thereto (8 Ill. Adm. Code 600.120).

- f) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.

- g) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this Part.

- h) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).

- i) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become multilaminated or damaged.

The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.

- j) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.
- k) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.
- l) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.

(Source: Peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990)

Section 125.270 Entry into Official Establishment; Reinspection and Preparation of Product

- a) The Department incorporates by reference 9 CFR 318.1(c) through 318.7, 318.9 through 318.10, 318.14 through 318.20, 318.22, 318.300 through 318.311 (1984; 49 FR 23606, effective June 4, 1984; 49 FR 19623, effective June 8, 1984; 49 FR 18999, effective July 3, 1984; 49 FR 32055, effective Aug. 10, 1984; 49 FR 33434, effective Aug. 23, 1984; 49 FR 14877, effective April 15, 1985; 49 FR 46530, effective January 28, 1985; 50 FR 6, effective January 2, 1985; 50 FR 3738, effective February 27, 1985; 50 FR 5226, effective August 6, 1985; 50 FR 19903, effective July 12, 1985; 50 FR 19905, effective July 12, 1985; 50 FR 27573, July 5, 1985; 50 FR 32162, effective September 9, 1985; 50 FR 48075, November 21, 1985; 50 FR 50282, effective February 10, 1986; 51 FR 1769, effective January 15, 1986; 51 FR 21731, effective July 16, 1986; 51 FR 29456, effective September 17, 1986; 51 FR 30052, effective September 22, 1986; 51 FR 32301, effective October 14, 1986; 51 FR 35630, effective November

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6, 1986; 51 FR 37902, effective November 26, 1986; 51 FR 45602, effective June 19, 1987, except for Section 318.305(h)(3) which is effective December 21, 1987, and Section 318.310 which is effective December 19, 1988; 52 FR 12517, April 17, 1987; 52 FR 17283, effective June 8, 1987; 52 FR 19302, effective June 22, 1987; 52 FR 30136, effective September 14, 1987; 52 FR 43316, effective November 12, 1987; 53 FR 7493, effective April 8, 1988; 53 FR 49844, December 12, 1988; 53 FR 49848, effective January 11, 1989; 54 FR 43041, effective January 18, 1990; 55 FR 7294, effective August 28, 1990; 55 FR 34678, effective September 24, 1990).

b) No meat or meat product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, a federal inspection legend, or is exempt from inspection as stated in Section 125.110. Meat and meat products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.200 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any meat and meat product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected by the inspector and passed. Wild game carcasses shall comply with Section 5(B)(6) of the Act. The official establishment shall maintain an inventory of non-meat items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.

c) Reinspections of meat and/or meat products within the official establishment shall be performed through the use of a random digit table.

d) Docks and receiving rooms for meat and/or meat products or other articles used by the establishment in the preparation of meat products entering an official establishment shall be approved by the inspector if the location of such docks or receiving rooms will not permit such product or article to pass through rooms containing inspected and passed products.

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e) The manner of defrosting frozen products and methods of treating to preserve products shall be in accordance with procedures as set forth in the "Meat and Poultry Inspection Manual" as adopted in Section 125.20.

f) Casings or weasand shall be inspected and passed if it is in compliance with the specific provisions as stated in 9 CFR 318.5(f) for passage of such articles.

g) The Department does not approve new substances to be used on meat or in meat products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used and artificial flavorings may be used if they do not adulterate the meat and/or meat product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.

h) References to exemptions from slaughter and custom slaughterer shall mean those exemptions set forth in Section 125.110.

i) Reference to 9 CFR 327 are not applicable to the Department in its enforcement of the rules of this Part. References to the federal Poultry Inspection Act, Section 403 of the Act, Section 7 of the Act, 9 CFR 303, and paragraph 23(a) of the Act shall be interpreted to mean in accordance with The Meat and Poultry Inspection Act and the rules of this Part.

j) The Department does not approve thermometers for use in smokehouses, dry rooms and other compartments that are used in the treatment of pork.

k) Disinfectants shall be those as set forth in Section 125.180.

l) Adequate vacuum shall be determined through the use of vacuum gauges.

m) Canned products which may be processed without steam-pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

n) The inspector shall permit lots of canned product to be shipped from the official establishment prior to the completion of the incubation period on the represen-

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tative samples in accordance with the specific provisions in 9 CFR 318.309.

- o) The standards and procedures for determining when ingredients of finished products are in compliance with this Section shall be as set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

(Source: Peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990)

Section 125.280 Meat Definitions and Standards of Identity or Composition

The Department incorporates by reference 9 CFR 319 (1984; 49 FR 14379 and 14880, effective April 15, 1985; 49 FR 46530, effective January 28, 1985; 50 FR 3738, effective February 27, 1985; 50 FR 4788, effective April 15, 1985; 51 FR 32057, effective October 9, 1986; 53 FR 5150, effective March 23, 1988; 53 FR 8425, effective April 14, 1988; 54 FR 40631, effective October 3, 1989 and adopted by the Department on October 11, 1989; 55 FR 34678, effective September 24, 1990). Methods for the destruction of live trichinae in pork shall be as set forth in Section 125.270 (specifically the incorporated language of 9 CFR 318.10(c)).

(Source: Peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990)

SUBPART C: POULTRY INSPECTION

Section 125.400 Definitions and Standards of Identity or Composition

- a) The Department incorporates by reference 9 CFR 381: Subpart P (1984; 55 FR 34678, effective September 24, 1990).
- b) Cooling of poultry shall be in accordance with the provisions set forth in Section 125.330.
- c) Definitions and standards of identity or composition for poultry products shall be as set forth in this Section and in Section 13(d) of the Act.

(Source: Peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION

DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

Heading of Part: Minimum Standards for Certification of Developmental Training Programs

Code Citation: 59 Ill. Adm. Code 119

Section Numbers: 119.260

Date Originally Published in Illinois Register: March 9, 1990
14 Ill. Reg. 3356

At its meeting on September 13, 1990, the Joint Committee suggested that the Department of Mental Health and Developmental Disabilities initiate additional rulemaking to amend its rules entitled "Minimum Standards for Certification of Developmental Training Programs" (59 Ill. Adm. Code 119). The Department should respond within 90 days of the receipt of this Statement of Recommendation.

The specific recommendation is as follows:

The Joint Committee suggests that the Department of Mental Health and Developmental Disabilities initiate additional rulemaking to amend its rules entitled "Minimum Standards for Certification of Developmental Training Programs" (59 Ill. Adm. Code 119) to govern the investigation by the Department of instances of abuse, neglect, or exploitation at a developmental training program.

This rulemaking contains the program standards and certification requirements for developmental training programs for developmentally disabled adults who reside in Medicaid licensed long-term care facilities or other residential settings. The rulemaking sets forth criteria for participation of individuals in a program, formation of the interdisciplinary team, formation of a human rights committee at each program, and the development of the individual services plan. The rulemaking also specifies procedures for certification, certificate denial, and hearing to appeal denial of a certification.

Proposed Section 119.260(h)(3) concerning unusual incidents at a program state that the provider shall report instances of abuse, neglect or exploitation of individuals to the Department and that such reports shall be investigated. The Department was asked to specify its procedures for investigation of instances of abuse, neglect and exploitation.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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STATEMENT OF RECOMMENDATION

DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES
(Continued Page 2)

The Department offered to modify Section 119.260(h)(3) as follows:

the provider shall report instances of abuse, neglect or exploitation to the Bureau no later than the next working day. Such reports shall be investigated by the Bureau. If the allegation involves a residential facility, the complainant shall also be directed to call the Illinois Department of Public Health hotline. If the allegation involves an agency funded by Department but not a program or agency licensed, certified or authorized by the Bureau, the Department's Division of Developmental Disabilities shall investigate. If the allegation involves any entity who is not a program or agency, the complainant shall be directed to call the local law enforcement authority.

The Department's offered language provides additional information concerning actions that the provider must take in instances of abuse, neglect, or exploitation; however, the modification does not specify the Department's policies concerning the Department's investigation or what action may be taken toward the provider as a result of the Department's investigation. The Department explained that it has not established procedures regarding actions to be taken by the Department in such instances. The Department indicated that the developmental training program staff is in the process of developing procedures to be used when abuse, neglect, or exploitation occur at a program. According to the Department, it is currently considering instances of exploitation, abuse, or neglect at a program on a case-by-case basis. The Department also explained that there have been only a few reported cases of abuse, neglect, or exploitation at developmental training facilities. In addition, the Department agreed to initiate a rulemaking to include the Department's policies regarding the investigation of instances of abuse, neglect, or exploitation, as soon as the Department develops its policy in this area.

By not articulating what action will be taken by the Department as a result of an investigation, and by not specifying what the Department will look for in its investigation, developmental training program providers are not being fully informed of actions the Department may take against them in instances of neglect, exploitation, or abuse. If the

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Department is to fully inform those affected by the rules, the Department must develop policies in this area and initiate rulemaking to include the policies in its rules.

Therefore, the Joint Committee suggests that the Department of Mental Health and Developmental Disabilities initiate additional rulemaking to amend its rules entitled "Minimum Standards for Certification of Developmental Training Programs" (59 Ill. Adm. Code 119) to govern the investigation by the Department of instances of abuse, neglect, or exploitation at a developmental training program.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

DEPARTMENT OF PUBLIC AID

Heading of Part: Food StampsCode Citation: 89 Ill. Adm. Code 121Section Numbers: 121.63Date Originally Published in Illinois Register:June 15, 1990
14 Ill. Reg. 9317

At its meeting on September 13, 1990, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to Section 121.63 of the rules of the Department of Public Aid entitled "Food Stamps" (89 Ill. Adm. Code 121) because by issuing a Food Stamps Manual Release on June 11, 1990 which implements the policy of increasing the utility allowance from \$165 to \$170 and the telephone allowance from \$14 to \$18, the Department has implemented this rule prior to the completion of required rulemaking procedures of the Illinois Administrative Procedure Act (IAPA), in violation of Sections 4(c), 5(a) and 5.01(c) of the IAPA.

The proposed amendment to 89 Ill. Adm. Code 121.63 increases the utility allowance from \$165 to \$170 and the telephone allowance from \$14 to \$18.

The Department's first notice for this rulemaking appeared on June 15, 1990. However, on June 11, 1990, the Department issued Food Stamp Manual Releases PO-415(6) and (7) and PR-400, attachment VII which implemented the policy of this rulemaking. The Department was asked to comment.

The Department explained that employees new to the rulemaking process handled this rulemaking. The Department explained that there was confusion over the dates on which rules become effective. The Department explained that there was no intent to implement the change before the amendment became effective.

Although the increases in utility and telephone allowances are no doubt beneficial to Food Stamp recipients the IAPA (Ill. Rev. Stat. 1989, ch.

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127, par. 1001 et seq.) prohibits the Department of Public Aid from implementing these rules prior to their adoption in accordance with the rulemaking procedures. Further, the Department is not new to the rulemaking process and should be able to guard against prior implementation of rules. Section 4(c) of the IAPA states that "[n]o agency rule is effective against any person or party, nor may it be invoked by the agency for any purpose until it has been made available for public inspection and filed with the Secretary of State as required by this Act." In addition, Section 5(a) of the IAPA provides that "prior to the adoption, amendment or repeal of any rule, each agency shall accomplish the actions required by Sections 5.01, 5.02 and 5.03, whichever is applicable" (emphasis added). In this instance the Department chose to implement its rules under the general rulemaking procedure of Section 5.01. The Department, however, did not comply with Section 5.01(c) which prescribed that a rule may not be effective until its adoption. Section 5.01(c) of the IAPA states that "each rule hereafter adopted under this section is effective upon filing, unless a later effective date is required by statute or specified in the rule." The Department has failed to comply with the requirements of Section 4(c), 5(a) and 5.01(c) prior to invoking the rule. Furthermore, Section 5(b) invalidates agency actions to adopt, amend, or repeal a rule which are not taken in compliance with the IAPA's procedural requirements.

This is not the first time that the Joint Committee has been presented with the issue of rules being invoked prior to adoption in accordance with the IAPA's rulemaking procedures. The Joint Committee has consistently issued objections to agencies which implement amendments prior to adoption of these rules under the general rulemaking procedures of Section 5.01 of the IAPA. As previously stated, the Department admits implementing the change in utility and telephone allowances prior to the conclusion of the general rulemaking procedures of Section 5.01 of the IAPA.

Therefore, the Joint Committee objects to Section 121.63 of the rules of the Department of Public Aid entitled "Food Stamps" (89 Ill. Adm. Code 121) because by issuing a Food Stamps Manual Release on June 11, 1990 which implements the policy of increasing the utility allowance from \$165 to \$170 and the telephone allowance from \$14 to \$18, the Department has implemented this rule prior to the completion of required rulemaking procedures of the Illinois Administrative Procedure Act (IAPA), in violation of Sections 4(c), 5(a) and 5.01(c) of the IAPA.

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ILLINOIS GENERAL ASSEMBLY

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DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

(Continued Page 2)

Heading of Part: Hospital ServicesCode Citation: 89 Ill. Adm. Code 148Section Numbers: 148.120Date Originally Published in Illinois Register: June 15, 1990
14 Ill. Reg. 9331

At its meeting on September 13, 1990, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to Section 148.120 of the Department of Public Aid's rules entitled "Hospital Services" (89 Ill. Adm. Code 148) because by providing outlier adjustments for services provided by hospitals to children under one year of age prior to completion of required rulemaking procedures of the Illinois Administrative Procedure Act (IAPA), the Department has violated Sections 4(c), 5(a) and 5.01(c) of the IAPA.

This rulemaking implements Section 1923 of the Federal Social Security Act (42 U.S.C.A. 1396r-4, 1989) which requires the Department to provide outlier adjustments to payments for hospitals providing medically necessary inpatient services with exceptionally high costs for patients under one year of age.

The first notice for this rulemaking was published June 15, 1990. However, the "State Plan Under Title XIX of the Social Security Act Medical Assistance Program", Attachment 4.19-A, pg. 11 states the effective date of the policy of this rulemaking as July 1, 1989. The Department was asked when the policy contained in this rulemaking was implemented.

The Department explained that outlier adjustments for medically necessary services with exceptionally high costs provided to children under one year of age were given as of June, 1990. The Department explained that the Social Security Act required reimbursement of these services as of July 1, 1989. The Department stated that it did not begin to provide the adjustments until June, 1990 because the

Department's computer billing system was unable to do so before that time.

Although it is understandable for the Department to wish to comply with federal law the Department should have used either the emergency rulemaking procedures available under the IAPA or begun the general rulemaking procedures earlier. The IAPA (Ill. Rev. Stat. 1989, ch. 127, par. 1001 et seq.) prohibits the Department of Public Aid from implementing these rules prior to their adoption in accordance with the rulemaking procedures. Section 4(c) of the IAPA states that "[n]o agency rule is effective against any person or party, nor may it be invoked by the agency for any purpose until it has been made available for public inspection and filed with the Secretary of State as required by this Act." In addition, Section 5(a) of the IAPA provides that "prior to the adoption, amendment or repeal of any rule, each agency shall accomplish the actions required by Section 5.01, 5.02, and 5.03, whichever is applicable" (emphasis added). In this instance the Department chose to implement its rules under the general rulemaking procedures of Section 5.01. The Department, however, did not comply with Section 5.01(c) which prescribes that a rule may not be effective until its adoption. Section 5.01(c) of the IAPA states that "each rule hereafter adopted under this section is effective upon filing, unless a later effective date is required by statute or specified in the rule." The Department of Public Aid has failed to comply with the requirements of Sections 4(c), 5(a) and 5.01(c) prior to invoking the rule. Furthermore, Section 5(b) invalidates agency actions to adopt, amend, or repeal a rule which are not taken in compliance with the IAPA's procedural requirements.

This is not the first time that the Joint Committee has been presented with the issue of rules being invoked prior to adoption in accordance with the IAPA's rulemaking procedures. The Joint Committee has consistently issued objections to agencies which implement amendments prior to adoption of these rules under the general rulemaking procedures of Section 5.01 of the IAPA. As previously stated, the Department admits providing outlier adjustments prior to the conclusion of the general rulemaking procedures of Section 5.01 of the IAPA.

Therefore, the Joint Committee objects to Section 148.120 of the Department of Public Aid's rules entitled "Hospital Services" (89 Ill. Adm. Code 148) because by providing outlier adjustments for services provided by hospitals to children under one year of age prior to completion of required rulemaking procedures of the Illinois

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DEPARTMENT OF PUBLIC AID

Heading of Part: Medical Payment

Code Citation: 89 Ill. Adm. Code 140

Section Numbers: 140.648

Date Originally Published in Illinois Register: March 23, 1990
14 Ill. Reg. 4415

At its meeting on August 21, 1990, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to Section 140.648(b) of the rules of the Department of Public Aid entitled "Medical Payment" (89 Ill. Adm. Code 140) because contrary to Section 4.02 of the Illinois Administrative Procedure Act (IAPA), the Department has failed to set forth clear and precise standards for determining the method by which dollar, wage and salary amounts shall be inflated for the fiscal year for which reimbursement will be made.

This rulemaking revises the Department of Public Aid's reimbursement formula for active treatment provided to individuals with developmental disabilities. Section 140.648(b) states:

The total rate shall be comprised of a Program Component and an Agency Component. Reimbursement levels for the Program Component will be derived from four determinants which, in combination, will result in the total Program per diem amount. The four determinants shall be reviewed and validated according to information provided in the most recent facility inspection of Care (IOC) conducted by Department surveillance staff. Where dollar, wage or salary amounts are used, respective amounts shall be inflated to the fiscal year for which reimbursement will be made.

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(Continued Page 3)

Administrative Procedure Act (IAPA), the Department has violated Sections 4(c), 5(a) and 5.01(c) of the IAPA.

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The Department was asked to clarify the method used to determine the amount dollar, wage or salaries would be inflated to the fiscal year for which reimbursement will be made. In its correspondences with the Department the Joint Committee staff was told that the Department would supply these standards. These standards were never received.

At its conference with the Department, the Joint Committee staff was told that the Department had formulated standards in response to the U.S. Health Care Financing Administrations' (HCFA) request that the Department review its state plan and that these standards were contained within a letter between the Department and HCFA. The Department stated that it did not want to make this letter available to the Joint Committee, but also did not want to inform the Joint Committee of the standards contained within the letter. The Department's rationale for this was that these standards were subject to change and upon the standards being finalized, they would be provided to the Joint Committee.

Subsequent to the staff conference the Department explained that the wages will be updated for inflation by applying the projected annual rate of inflation of the Data Resources Incorporation (DRI) health care cost publication, specifically the average hourly earning of the nursing and personal care facility index.

Section 4.02 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, par. 1004.02) requires rules that implement discretionary powers to be exercised by an agency to include the standards to be used in the exercise of discretion. Section 4.02 further requires that such standards shall be stated as precisely and clearly as practicable, to inform fully those persons affected by the rule.

The Department has refused to include standards in its rule for determining the method by which dollar, wage and salary amounts shall be inflated for the fiscal year for which reimbursement will be made. The Department's failure to include standards violates the requirement of Section 4.02 that rules implementing discretionary powers to be exercised by an agency include the standards to be used in the exercise of such discretion. In addition, the Department's submittal of these standards to HCFA is an indication the Department considers these standards final. Therefore, the Department should provide the standards to the Joint Committee as requested.

The explanation that was eventually provided by the Department specifying how wages will be inflated with the use of the Data Resources

Incorporation (DRI) health care cost publication is inadequate. The Department has not explained where the publication may be obtained or if a publication of (DRI) complies with the requirements concerning incorporation by reference contained in Section 6.02 of the IAPA.

Therefore, the Joint Committee objects to Section 140.648(b) of the rules of the Department of Public Aid entitled "Medical Payment" (89 Ill. Adm. Code 140) because contrary to Section 4.02 of the Illinois Administrative Procedure Act (IAPA), the Department has failed to set forth clear and precise standards for determining the method by which dollar, wage and salary amounts shall be inflated for the fiscal year for which reimbursement will be made.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYJOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION

DEPARTMENT OF REHABILITATION SERVICES

Heading of Part:

Financial Eligibility Criteria

Code Citation:

89 Ill. Adm. Code 687

Section Numbers:

687.100

Date Originally Published in Illinois Register:June 1, 1990
14 Ill. Reg. 8560

At its meeting on September 13, 1990, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to Section 687.100 of the rules of the Department of Rehabilitation Services entitled "Financial Eligibility Criteria" (89 Ill. Adm. Code 687) because, by deducting disability related expenses paid by the client from the client's Total Available Monthly Income rather than deducting disability related expenses from the client's cost share of home services, the rules conflict with Section 3(g) of "An Act in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, par. 3434(g)).

This rulemaking implements Public Act 86-908, effective January 1, 1990. The Act required the Department to increase the protected income level of DORS clients and to deduct from the client's share of the cost of the "Home Services Program" any expenditures made by the client related to his or her disability.

Section 687.100(d) "Client Cost Sharing Formula" states "Client-only disability related expenses paid out of pocket are deducted from the Client/Family Total Available Monthly Income".

Section 3(g) of "An Act in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat., 1989, ch. 23, par. 3434(g)) as amended by Public Act 86-908, effective January 1, 1990, states, "The Department shall deduct from the recipient's share of the cost of services any monies expended by the recipient for disability related expenses."

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The Department was asked to comment on the apparent discrepancy between the statute and the rule in the formula used to determine client cost share. The Department first stated that it believed the language in the rule was "reflective" of the statutory language. The Department stated that disability related expenses are being deducted from the recipient's share of the cost of services by virtue of these expenses being subtracted from available income, resulting in less cost share for the client. It was pointed out to DORS that the client's cost share was less using the statutory formula rather than the rule. The Department realized upon closer examination that this was in fact true and then issued the following response:

DORS worked closely with Senator Brookens regarding the content of P.A. 86-908 (SB 341). DORS believes that the intent for this deduction was to subtract the total monthly disability related expenses, paid out of pocket, from the client's excess income prior to applying the 25% for the cost share amount.

If we were to follow the interpretation of deducting the disability related expenses from the cost share amount, DORS could allow the client essentially \$4 for every \$1 spent out of pocket for those expenses. DORS will review the possibility of amending the law in the next legislative session to clarify our interpretation.

It is axiomatic that where the language is unambiguous, its plain meaning is conclusive "absent a clearly expressed legislative intention to the contrary". *Consumer Product Safety Commission v. GTE Sylvania Inc.*, 447 U.S. 102 (1980). By deducting disability related expenses from Total Available Monthly Income rather than from the client's cost share the Department's rules are contrary to the authorizing statute. A review of the legislative history of this rulemaking uncovered no intent to give the statute a meaning different from the meaning the language indicates.

Therefore, the Joint Committee objects to Section 687.100 of the rules of the Department of Rehabilitation Services entitled "Financial Eligibility Criteria" (89 Ill. Adm. Code 687) because, by deducting disability related expenses paid by the client from the client's Total Available

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTIONDEPARTMENT OF REHABILITATION SERVICES
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Monthly Income rather than deducting disability related expenses from the client's cost share of home services, the rules conflict with Section 3(g) of "An Act in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, par. 3434(g)).

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION

DEPARTMENT OF REHABILITATION SERVICES

Heading of Part: Financial Eligibility Criteria

Code Citation: 89 Ill. adm. Code 687

Section Numbers: 687.100

Date Originally Published in Illinois Register:

June 1, 1990
14 Ill. Reg. 8560

At its meeting on September 13, 1990, the Joint Committee recommended to the Department of Rehabilitation services that it should seek legislation. The Department should respond within 90 days of the receipt of this Statement of Recommendation.

The specific recommendation is as follows:

The Joint Committee suggests to the Department of Rehabilitation Services that if the Department believes it should be deducting disability related expenses from the client's Total Available Monthly Income rather than the client's cost share, that the Department seek legislation authorizing it to do so.

This rulemaking implements Public Act 86-908, effective January 1, 1990. The Act required the Department to increase the protected income level of DORS clients and to deduct from the client's share of the cost of the "Home Services Program" any expenditures made by the client related to his or her disability.

Section 687.100(d) "Client Cost Sharing Formula" states "Client-only disability related expenses paid out of pocket are deducted from the Client/Family Total Available Monthly Income".

Section 3(g) of "An Act in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat., 1989, ch. 23, par. 3434(g)) as amended by Public Act 86-908, effective January 1, 1990, states, "The Department shall deduct from the recipient's share of the cost of services any monies expended by the recipient for disability related expenses."

The Department was asked to comment on the apparent discrepancy between the statute and the rule in the formula used to determine client cost share. The Department first stated that it believed the language in the rule was "reflective" of the statutory language. The Department

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STATEMENT OF RECOMMENDATION

DEPARTMENT OF REHABILITATION SERVICES
(Continued Page 2)

stated that disability related expenses are being deducted from the recipient's share of the cost of services by virtue of these expenses being subtracted from available income, resulting in less cost share for the client. It was pointed out to DORS that the client's cost share was less using the statutory formula rather than the rule. The Department realized upon closer examination that this was in fact true and then issued the following response:

DORS worked closely with Senator Brookens regarding the content of P.A. 86-908 (SB 341). DORS believes that the intent for this deduction was to subtract the total monthly disability related expenses, paid out of pocket, from the client's excess income prior to applying the 25% for the cost share amount.

If we were to follow the interpretation of deducting the disability related expenses from the cost share amount, DORS could allow the client essentially \$4 for every \$1 spent out of pocket for those expenses. DORS will review the possibility of amending the law in the next legislative session to clarify our interpretation.

It is axiomatic that where the language is unambiguous, its plain meaning is conclusive "absent a clearly expressed legislative intention to the contrary". Consumer Product Safety Commission v. GTE Sylvania Inc., 447 U.S. 102 (1980). By deducting disability related expenses from Total Available Monthly Income rather than from the client's cost share the Department's rules are contrary to the authorizing statute. A review of the legislative history of this rulemaking uncovered no intent to give the statute a meaning different from the meaning the language indicates.

Therefore, the Joint Committee suggests to the Department of Rehabilitation Services that if the Department believes it should be deducting disability related expenses from the client's Total Available Monthly Income rather than the client's cost share, that the Department seek legislation authorizing it to do so.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

DEPARTMENT OF REVENUE

Heading of Part: Alcoholic Liquor Act
Code Citation: 86 Ill. Adm. Code 420
Section Numbers: 420.10
420.140

Date Originally Published in Illinois Register: June 15, 1990
14 Ill. Reg. 9402

At its meeting on September 13, 1990, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to Sections 420.10 and 420.140 of the Department of Revenue's rules entitled "Alcoholic Liquor Act" (86 Ill. Adm. Code 420) because the Department has implemented this rulemaking prior to completion of required rulemaking procedures in violation of Sections 4(c), 5(a) and 5.01(c) of the Illinois Administrative Procedure Act (IAPA).

This rulemaking implements the 1988 Supreme Court ruling in *Distributors v. Johnson* 125 Ill. Dec. 343, which held that the Department's current rules differentiating the tax rates between beverages and wine coolers, violated the uniform taxation clause of the State Constitution. The rules at that time specified that alcohol and spirits, other than wine and beer, were to be taxed at a higher rate than beer and wine, regardless of alcohol content by volume. This rulemaking bases the tax rate on the alcohol content by volume of liquor.

The Department was asked if the tax rate based on alcohol content had been enforced since the court decision. The Department stated that since the court decision it had been taxing spirit-based coolers at the same rate as wine coolers prior to setting forth such tax rates in rules. The Department stated that no written rulings or opinions had been issued concerning the taxation of spirit-based coolers. The Department also stated that the rulemaking was precipitated by the court decision and correspondence the Department received concerning how a new product would be taxed under the Department's rules.

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

DEPARTMENT OF REVENUE
(Continued Page 2)

The IAPA (Ill. Rev. Stat. 1989, ch. 127, par. 1001 et seq.) prohibits the Department from implementing these rules prior to their adoption in accordance with the rulemaking procedures. Section 4(c) of the IAPA states that "[n]o agency rule is effective against any person or party, nor may it be invoked by the agency for any purpose until it has been made available for public inspection and filed with the Secretary of State as required by this Act." In addition, Section 5(a) of the IAPA provides that "prior to the adoption, amendment or repeal of any rule, each agency shall accomplish the actions required by Section 5.01, 5.02, and 5.03, whichever is applicable" (emphasis added). In this instance the Department chose to implement its rules under the general rulemaking procedures of Section 5.01. The Department, however, did not comply with Section 5.01(c) which prescribes that a rule may not be effective until its adoption. Section 5.01(c) of the IAPA states that "each rule hereafter adopted under this section is effective upon filing, unless a later effective date is required by statute or specified in the rule." The Department of Revenue has failed to comply with the requirements of Sections 4(c), 5(a) and 5.01(c) prior to invoking the rule. Furthermore, Section 5(b) invalidates agency actions to adopt, amend, or repeal a rule which are not taken in compliance with the IAPA's procedural requirements.

This is not the first time that the Joint Committee has been presented with the issue of rules being invoked prior to adoption in accordance with the IAPA's rulemaking procedures. The Joint Committee has consistently issued objections to agencies which implement amendments prior to adoption of these rules under the general rulemaking procedures of Section 5.01 of the IAPA. As previously stated, the Department stated that it enforced the court decision, by taxing spirit-based coolers at the same rate as wine coolers prior to the conclusion of the general rulemaking procedures of Section 5.01 of the IAPA.

Therefore, the Joint Committee objects to Sections 420.10 and 420.140 of the Department of Revenue's rules entitled "Alcoholic Liquor Act" (86 Ill. Adm. Code 420) because the Department has implemented this rulemaking prior to completion of required rulemaking procedures in violation of Sections 4(c), 5(a) and 5.01(c) of the Illinois Administrative Procedure Act.

88609402

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF CORRECTION TO ADOPTED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code
- 3) Section Number: Section 310. App. A, Table G
- 4) Illinois Register citation to the Notice of Adopted Rulemaking:
June 22, 1990, Issue #25, 14 Ill. Reg. 10002
- 5) The correction listed below has been made to the file copy of the above named amendment in order to bring it into agreement with the copy of the text as published in the Illinois Register:

At the request of the Joint Committee on Administrative Rules, the Department of Central Management Services is filing a correction to Table G, RC-045 (Automotive Mechanics, ISEA) in which the Administrative Code version differed with the Illinois Register copy.

In subsection (B) under the July 1, 1989 date heading, the Automotive Parts Warehouse I's monthly salary is being corrected from \$2,151.00 to \$2,152.00, so that the Administrative Code copy will be in agreement with what was originally published in the Illinois Register.

The full text of the adopted amendment begins on the next page:

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes, Effective July 1, 1990
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Education Rate
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF CORRECTION TO ADOPTED AMENDMENTS

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1991
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A Negotiated Rates of Pay

TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE B	RC-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSQME)
TABLE D	RC-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, ISEA)
TABLE H	RC-006 (Corrections Employees, AFSQME)
TABLE I	RC-009 (Institutional Employees, AFSQME)
TABLE J	RC-014 (Clerical Employees, AFSQME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFT)
TABLE M	RC-027 (Educators, AFSQME) (Repealed)
TABLE N	RC-027 (Physician Rates, AFSQME) (Repealed)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSQME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, ISEA)
TABLE Q	RC-033 (Meat Inspectors, ISEA)
TABLE R	RC-042 (Residual Maintenance Workers, AFSQME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTION TO ADOPTED AMENDMENTS

TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSOME)
TABLE X	RC-063 (Professional Employees, AFSOME)
TABLE Y	RC-063 (Educators, AFSOME)
TABLE Z	RC-063 (Physicians, AFSOME)
APPENDIX B	Schedule of Salary Grades - Monthly and Annual Rates of Pay for Fiscal Year 1991
APPENDIX C	Physician Administrator Rates and Medical Facilities (EMERGENCY) Administrator Rates for Fiscal Year 1991
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1991
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
AUTHORITY:	Implementing and authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1989, ch. 127, par. 63b108a(2)).

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTION TO ADOPTED AMENDMENTS

150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective July 31, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 19132, effective October 28, 1986; emergency amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; emergency amendment at 11 Ill. Reg. 3363, effective February 3, 1987; emergency amendment at 11 Ill. Reg. 4388, effective February 27, 1987; emergency amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; emergency amendment at 11 Ill. Reg. 15273, effective September 1, 1987; emergency amendment at 11 Ill. Reg. 17919, effective October 19, 1987; emergency amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; emergency amendment at 12 Ill. Reg. 3811, effective January 27, 1988; emergency amendment at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 8135, effective April 22, 1988; emergency amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; emergency amendment at 12 Ill. Reg. 20584, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; emergency amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; emergency amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19921, effective December 12, 1989;

amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. _____, effective _____; corrected at 14 Ill. Reg. 16092.

Section 310.APPENDIX A Negotiated Rates of Pay
TABLE G RC-045 (Automotive Mechanics, ISEA)

A) Departments of Central Management Services and Transportation - Northeast Region - (Cook)

	Oct.-1,-1986	July-1,-1987	July-1,-1988
Auto-&-Body-Repairer	Mer. \$2193	Mer. \$2293	Mer. \$2493
Automotive-Attendant	1244	1284	1324
Automotive-Mechanic	2193	2293	2493
Automotive-Mechanic's-Helper	2017	2117	2227
Automotive-Parts-Warehouse-I	2050	2150	2260
Automotive-Parts-Warehouse-II	2095	2195	2305
*Storekeeper-I	2050	2150	2260
*Storekeeper-II	2095	2195	2305

	July 1, 1989	July 1, 1990
Auto & Body Repairer	Mo. \$2498	Mo. \$2609
Automotive Attendant	1377	1439
Automotive Mechanic	2498	2609
Automotive Mechanic's Helper	2313	2414
Automotive Parts Warehouse I	2347	2448
Automotive Parts Warehouse II	2396	2503
*Storekeeper I	2350	2456
*Storekeeper II	2397	2505

* Serving as Automotive Parts Warehouseurs in Cook County.

B) Departments of Agriculture, Central Management Services, Conservation, Corrections and Transportation - (All other Counties except Cook)

	Oct.-1,-1986	Feb.-1,-1987	July-1,-1987
Auto-&-Body-Repairer	Mer. \$2040	Mer. \$2065	Mer. \$2165
Automotive-Attendant	1244	1244	1284
Automotive-Mechanic	2040	2065	2165
Automotive-Mechanic's-Helper	1775	1800	1900
Automotive-Parts-Warehouse-I	1780	1805	1905
Automotive-Parts-Warehouse-II	1966	1991	2091
Automotive-Parts-Warehouse-III	2043	2043	2168
Small-Engine-Mechanic	1775	1775	1875

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF CORRECTION TO ADOPTED AMENDMENTS

	Feb.-1, 1988	July-1, 1988	Feb.-1, 1989
Auto & Body Repairer	Me. \$2190	Me. \$2300	Me. \$2325
Automotive Attendant	1284	1324	1324
Automotive Mechanic	2190	2300	2325
Automotive Mechanic's Helper	1925	2035	2060
Automotive Parts Warehouse I	1930	2040	2065
Automotive Parts Warehouse II	2116	2226	2251
Automotive Parts Warehouse III	2168	2303	2303
Small Engine Mechanic	1875	1985	1985

	July 1, 1989	Feb. 1, 1990
Auto & Body Repairer	Me. \$2420	Me. \$2445
Automotive Attendant	1377	1377
Automotive Mechanic	2420	2445
Automotive Mechanic's Helper	2146	2171
Automotive Parts Warehouse I	2152	2177
Automotive Parts Warehouse II	2342	2367
Automotive Parts Warehouse III	2395	2420
Small Engine Mechanic	2064	2089

	July 1, 1990	Feb. 1, 1991
Auto & Body Repairer	Me. \$2556	Me. \$2581
Automotive Attendant	1439	1439
Automotive Mechanic	2556	2581
Automotive Mechanic's Helper	2272	2297
Automotive Parts Warehouse I	2278	2303
Automotive Parts Warehouse II	2474	2499
Automotive Parts Warehouse III	2529	2554
Small Engine Mechanic	2183	2208

(Source: Amended at 14 Ill. Reg. _____, effective _____)

NOTICE OF PUBLIC INFORMATION

LIST OF CONTRACTORS PROHIBITED FROM AN AWARD
OF A CONTRACT OR A SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Pursuant to the provisions of Paragraph 11a of the Illinois Prevailing Wage Act (Ill. Rev. Stat. 1989, ch. 48, par. 39s-1--39s-12), the Director of the Illinois Department of Labor gives notice that the following contractor has been found to have disregarded his obligations to employees under the Prevailing Wage Act; has been determined to have violated the Prevailing Wage Act on 2 separate occasions after to January 1, 1990; and is prohibited from being awarded any contract or subcontract for a public works project for two (2) years beginning from the date of this publication:

Christopher R. Gassman
Illini Builders Co. of Olney
1301 Whittie Avenue
P.O. Box 524
Olney, IL 62450

Paragraph 11a of the Prevailing Wage Act provides in part that:

"No contract shall be awarded to a contractor or subcontractor appearing on the list, or to any firm, corporation, partnership or association in which such contractor or subcontractor has an interest until 2 years have elapsed from the date of publication of the list containing the name of such contractor or subcontractor."

Copies of the Illinois Prevailing Wage Act and the order of the Hearing Officer are available from:

The Illinois Department of Labor
Conciliation and Mediation Division
Third Floor
One West Old State Capitol Plaza
Springfield, Illinois 62701-1217

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

SECOND NOTICES RECEIVED
(page 2)

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 10, 1990 through September 14, 1990, and have been scheduled for review by the Committee at its October 11, 1990 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its October meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
10/25/90	Department of Rehabilitation Services, Service Plan Development (89 Ill. Adm. Code 700)	5/25/90 14 Ill. Reg. 8103	October 11, 1990
10/25/90	Department of Rehabilitation Services, Non-Financial Eligibility Criteria (89 Ill. Adm. Code 685)	6/8/90 14 Ill. Reg. 8982	October 11, 1990
10/25/90	Department of Rehabilitation Services, Client Financial Participation (89 Ill. Adm. Code 562)	6/15/90 14 Ill. Reg. 9379	October 11, 1990
10/25/90	Department of Rehabilitation Services, Prescreening and Eligibility Determination Processes (89 Ill. Adm. Code 690)	6/15/90 14 Ill. Reg. 9397	October 11, 1990
10/25/90	Department of Rehabilitation Services, Case Management Services to Persons with AIDS (89 Ill. Adm. Code 716)	6/22/90 14 Ill. Reg. 9994	October 11, 1990
10/25/90	Department of Public Health, Family Practice Residency Act, Repeal of (77 Ill. Adm. Code 590)	6/1/90 14 Ill. Reg. 8493	October 11, 1990

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
10/25/90	Department of Public Health, Family Practice Residency Code (77 Ill. Adm. Code 590)	6/1/90 14 Ill. Reg. 8503	October 11, 1990
10/26/90	Department of Agriculture, Illinois State Fair and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds (8 Ill. Adm. Code 270)	7/13/90 14 Ill. Reg. 10965	October 11, 1990
10/29/90	Department of Rehabilitation Services, Advisory Councils (89 Ill. Adm. Code 515)	6/15/90 14 Ill. Reg. 9370	October 11, 1990
10/29/90	Department of Central Management Services, Pay Plan (80 Ill. Adm. Code 310)	6/29/90 14 Ill. Reg. 10189	October 11, 1990
10/29/90	Illinois Commerce Commission, Cellular Radio Exclusion (83 Ill. Adm. Code 760)	6/22/90 14 Ill. Reg. 9631	October 11, 1990
10/29/90	Department of Public Aid, Hospital Services (89 Ill. Adm. Code 148)	7/13/90 14 Ill. Reg. 11108	October 11, 1990
10/29/90	Department of Public Aid, Drug Manual (89 Ill. Adm. Code 141)	7/27/90 14 Ill. Reg. 12202	October 11, 1990

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PROCLAMATION

90-422

ALBERT OMEGA SEARS DAY

Whereas, Albert Omega Sears was a featured soloist of the Ellington Orchestra in the 1940s and was one of the greatest practitioners of that instrument in any era; and

Whereas, Al Sears was one of the pioneers of Rhythm and Blues and the owner of Sylvia Music Publishing Company; and

Whereas, in addition to being a stellar musician, Al Sears was a highly respected businessman and a devoted husband and father; and

Whereas, the Black American Heritage Foundation, the Queens Council on the Arts, and Con Edison are paying tribute to Mr. Sears through the Albert Omega Sears Day concert;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim September 15, 1990, as ALBERT OMEGA SEARS DAY in Illinois.

Issued by the Governor September 7, 1990.

Filed with the Secretary of State September 17, 1990.

90-423

COLUMBUS DAY

Whereas, Christopher Columbus proved that having visions, determination, and perseverance helps mankind; and

Whereas, the discovery Columbus made in 1492 is a symbol of pride, freedom, and joy for all Americans; and

Whereas, Columbus and many other distinguished Italians have contributed to the growth of civilization. The Italian community is joined by Americans of every ethnic background in recognizing Columbus Day;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 8, 1990, as COLUMBUS DAY in Illinois.

Issued by the Governor September 7, 1990.

Filed with the Secretary of State September 17, 1990.

90-424

DR. BERNARD J. TURNOCK EXTENDED GRATITUDE

Whereas, Dr. Bernard J. Turnock admirably served the people of Illinois for more than five years as director of the Illinois Department of Public Health; and

Whereas, he initiated and supported a group of programs that resulted in a significant reduction of Illinois' high rate of infant mortality; and

Whereas, Dr. Turnock enthusiastically encouraged and participated in a variety of activities designed to increase public awareness of the dangers of AIDS and the methods of

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transmission of the deadly disease; and

Whereas, under his leadership the largest salmonella outbreak ever recorded in the United States was brought under control and halted; and

Whereas, he is now entering the field of education where he will continue to serve the people of our state by imparting his knowledge and wisdom to others preparing to enter the field of public health;

Therefore, I, James R. Thompson, Governor of the State of Illinois, extend gratitude to DR. BERNARD J. TURNOCK for his dedication to public health and wish him continued success in his endeavors to brighten the picture of health for Illinoisans now and in the future.

Issued by the Governor September 7, 1990.

Filed with the Secretary of State September 17, 1990.

90-425

FARM SAFETY WEEK

Whereas, injuries and deaths from occupational accidents are tragedies that are preventable in most cases; and

Whereas, farming is an occupation that requires numerous safety precautions and Illinois farmers continue to fall victim to a high rate of accidental deaths, injuries, and illnesses; and

Whereas, technological advances have made agricultural tools and chemicals safer, but these advances alone cannot eliminate all the safety risks in farming; and

Whereas, to avoid accidents, agricultural workers should use standard protective equipment properly and consistently, control exposure to toxic chemicals and gases, and train others on farm safety procedures and first aid; and

Whereas, harvest season is the most fitting time to express concern and appreciation for our farmers by renewing our support for farm safety programs;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim September 16-22, 1990, as FARM SAFETY WEEK in Illinois. I urge Illinoisans to participate in the activities and ceremonies planned for this observance so that our hardworking farmers can reap the fruits of their labor with a sense of achievement and security.

Issued by the Governor September 7, 1990.

Filed with the Secretary of State September 17, 1990.

90-426

ILLINOIS D.A.R.E. DAY

Whereas, Illinois has undertaken several major initiatives to prevent drug and alcohol abuse in our state; and

Whereas, D.A.R.E. (Drug Abuse Resistance Education) is a semester-long program presented by specially trained police

officers which teaches fifth and sixth grade children how to resist pressure to experiment with drugs and alcohol; and Whereas, D.A.R.E. targets children when they are most vulnerable to tremendous peer pressure to try drugs and teaches them the skills to make positive decisions and resist pressure to participate in negative behaviors; and

Whereas, D.A.R.E. is also provided to students in kindergarten through fourth grade, junior high school, and high school, as well as their parents; and

Whereas, more than 186,000 Illinois fifth and sixth grade students have successfully completed the 17-week D.A.R.E. curriculum and have vowed to remain drug-free;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim Thursday, September 13, 1990, as ILLINOIS D.A.R.E. DAY and call upon citizens to observe this day with appropriate activities and ceremonies.

Issued by the Governor September 7, 1990.

Filed with the Secretary of State September 17, 1990.

90-427

MR./MS. AMERICA CHAMPIONSHIP DAYS

Whereas, the State of Illinois and the Illinois AAU support ventures that promote physical fitness of Illinois residents; and Whereas, bodybuilding competitions contribute to a state's awareness and appreciation of physical fitness; and

Whereas, AAU National Physique Competitions and physical fitness contribute to the economic climate and tourism market of states and cities; and

Whereas, Rosemont will be the site of the 1990 Mr./Ms. America National Bodybuilding Championships October 5-6;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 5-6, 1990, as MR./MS. AMERICA CHAMPIONSHIP DAYS in Illinois.

Issued by the Governor September 7, 1990.

Filed with the Secretary of State September 17, 1990.

90-428

TALK ABOUT PRESCRIPTIONS MONTH

Whereas, the improper use of prescription medicine is so pervasive in the United States that it is called America's "other" drug problem, and up to half of the medicines prescribed are used incorrectly, contributing to prolonged illness, avoidable side effects and interactions, unnecessary hospitalizations, and even death; and

Whereas, more than 200 million prescriptions are written annually for children and teenagers, and America's older consumers make up about 12 percent of the population but consume nearly 30 percent of all medicines--nearly 400 million

prescriptions a year; and

Whereas, about one in every three Americans is receiving no information from health care professionals about prescribed medications and approximately 96 percent of patients don't ask questions about their medicines; and

Whereas, the National Council on Patient Information and Education and a coalition of 260 organizations representing medicine, pharmacy, nursing, dentistry, allied health professions, consumer groups, government, industry, and voluntary health agencies is committed to improving communication about prescription medicines; and

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 1990 as TALK ABOUT PRESCRIPTIONS MONTH in Illinois and call upon all citizens to seek more information about prescription medication.

Issued by the Governor September 7, 1990.

Filed with the Secretary of State September 17, 1990.

90-429

YEAR OF THE ORCHESTRA

Whereas, the Chicago Symphony Orchestra was founded by Theodore Thomas. Thomas and the seven music directors who succeeded him have given the orchestra a truly golden era of artistic accomplishment; and

Whereas, the Chicago Symphony Orchestra played its first concert October 18, 1891, and has involved more than 800 musicians since that time; and

Whereas, the orchestra has served as the state's cultural ambassador to the world by enhancing official overtures to overseas business and industry to locate and invest in our state; and

Whereas, over the years the orchestra's innovative outreach and training programs have been inspirational and motivational opportunities for Illinoisans;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 1990-1991 as YEAR OF THE ORCHESTRA in Illinois and encourage citizens to show support and gratitude to the Chicago Symphony Orchestra.

Issued by the Governor September 7, 1990.

Filed with the Secretary of State September 17, 1990.

90-430

BUSHMAN DAY

Whereas, it has been 60 years since Bushman, a West African lowland gorilla, arrived in Chicago at the Lincoln Park Zoo August 5, 1930; and

Whereas, zoo officials estimate that during Bushman's lifetime 100 million people came to see him, making him the most

beloved attraction at the zoo; and

Whereas, Bushman still lives happily in the memories of many Chicagoans and tourists; and

Whereas, Bushman's legacy also includes the Lincoln Park Zoo's famous collection of great apes; and

Whereas, the Bushman Society continues to be dedicated to helping the zoo stay at the forefront of research, care, and education in the field of these wonderful primates;

Therefore, I, James R. Thompson, Governor of the State of Illinois, recognize August 15, 1990, as BUSHMAN DAY in Illinois, celebrating the 60th anniversary of the gorilla's arrival in Chicago.

Issued by the Governor September 10, 1990.

Filed with the Secretary of State September 17, 1990.

90-431

GOLD STAR MOTHER'S DAY

Whereas, hundreds of women throughout the state belong to American Gold Star Mothers Inc. Through the Gold Star organization, mothers of those who lost their lives in wars retain the ties of friendship born of their sacrifices. They engage in many patriotic activities and devote hundreds of volunteer hours to patients in our veterans' hospitals; and

Whereas, the wars in which their sons and daughters lost their lives have passed into history; however, the emptiness those wars left remains in the lives of these women. Through their participation in Gold Star activities, they can share their experiences and help those who served our country;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim September 22, 1990, as GOLD STAR MOTHER'S DAY in Illinois, with the hope that every Gold Star mother will be honored on this occasion. I extend to them appreciation for the compassion and generosity they have shown in providing assistance to our veterans and their families.

Issued by the Governor September 11, 1990.

Filed with the Secretary of State September 17, 1990.

90-432

HUNTER EDUCATION WEEK

Whereas, more than 170,000 hunters have completed hunter education courses taught by certified, volunteer instructors since 1976, when such education became mandatory for hunters under the age of 16 years in Illinois; and

Whereas, the hunter safety education program has provided both beginning and experienced hunters with an understanding of hunter safety practices, outdoor ethics, and the need for sound wildlife management, thus enabling them to safely and responsibly enjoy the natural resources available in Illinois to the fullest

extent; and

Whereas, Illinoisans each year join with wildlife agencies that sponsor hunter education programs throughout the United States and Canada for the purpose of recognizing the contribution these programs make to hunters' continued enjoyment of the sport;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim September 16-22, 1990, as HUNTER EDUCATION WEEK in Illinois and urge all citizens to recognize the value of proper education for hunters.

Issued by the Governor September 11, 1990.

Filed with the Secretary of State September 17, 1990.

90-433

HUNTING AND FISHING DAYS

Whereas, sportsmen have been in the forefront of the conservation movement for 100 years, willingly accepting responsibility and imposing necessary regulations on their sport; and

Whereas, not content with merely vocalizing their support, hunters and fishermen have requested special fees and taxes which help pay for wildlife management and other conservation programs, raising more than \$6 billion over the years; and

Whereas, sportsman-financed programs have led to the dramatic comeback of many species, such as the white-tailed deer and wild turkey, and have greatly benefited all wildlife; and

Whereas, as individuals and through their organizations, hunters and fishermen volunteer countless hours of their time for local conservation projects and to raise funds to safeguard our natural resources for future generations;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim September 22-23, 1990, as HUNTING AND FISHING DAYS in Illinois, and I urge our citizens to join with hunters and anglers in continuing the effort to secure the future of our state's natural resources.

Issued by the Governor September 11, 1990.

Filed with the Secretary of State September 17, 1990.

90-434

SAFETY TOWN WEEK

Whereas, the National Safety Town Center is a non-profit organization dedicated to promoting the importance of preschool and early childhood safety education; and

Whereas, the Safety Town program objectives include introducing safety awareness to young people; involving teenagers as volunteer instructors to further their awareness of children and safety; helping parents understand their children's physical and mental development as relates to safety capabilities; and providing opportunities for businesses, industries,

90 organizations, and city and school officials to work together in organizing and conducting this extremely important program for the community; and
Whereas, the safety of our most precious resource, our children, is of great concern to everyone;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim September 16-22, 1990, as SAFETY TOWN WEEK in Illinois and call upon our citizens to join in this important program.

Issued by the Governor September 11, 1990.

Filed with the Secretary of State September 17, 1990.

90-435

AVIATION EDUCATION WEEK

Whereas, the State of Illinois has been a leader in the development of aviation activities; and
Whereas, the aviation industry is of major importance to the economy of our state; and

Whereas, the future growth and development of aviation in Illinois depends on public awareness about the role of aviation and public support of a strong aviation system; and

Whereas, the rapid growth in aviation creates a growing need for persons trained for aviation management, operations, and maintenance; and

Whereas, aviation education has proven to be an effective means of motivating youth to higher performance in math and the natural sciences;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 7-13, 1990, as AVIATION EDUCATION WEEK in Illinois to encourage continued growth and development of aviation education programs to enhance the economic education welfare of our state and our nation.

Issued by the Governor September 12, 1990.

Filed with the Secretary of State September 17, 1990.

90-436

CHILD HEALTH DAY

Whereas, too many of our youth are falling prey to alcohol, drugs, crime, auto accidents, premature parenthood, illiteracy, and idleness; and

Whereas, it is imperative for us to provide today's youth with opportunities and encouragement to develop their minds and their bodies to their full potential; and

Whereas, since 1928 the President of the United States has proclaimed a Child Health Day each year; and

Whereas, Child Health Day serves as an occasion to commemorate our youth and to forge a partnership with parents, schools, communities, businesses, government, and with all others

who are committed to helping our young people; Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 1, 1990, as CHILD HEALTH DAY in Illinois.

Issued by the Governor September 12, 1990.

Filed with the Secretary of State September 17, 1990.

90-437

EDWARD AND PAULINE COYNE DAY

Whereas, Edward Coyne was born April 3, 1939, in London, England, and was raised in Ireland. He left Ireland in 1954 to move to Cleveland, Ohio, where he lived for a year before moving to Chicago; and

Whereas, Pauline Howley was born May 31, 1941, in Ireland where she lived until she moved to Chicago in 1959; and

Whereas, Edward and Pauline met in June 1963 and exchanged marriage vows September 26, 1964; and

Whereas, Edward and Pauline are the parents of Kathy, Kevin, Edward and Brian Coyne; and

Whereas, 1990 marks Edward and Pauline's 26th wedding anniversary;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim September 26, 1990, as EDWARD AND PAULINE COYNE DAY and wish them many more years of happiness together.

Issued by the Governor September 12, 1990.

Filed with the Secretary of State September 17, 1990.

90-438

YOUTH SERVICE PROJECT MONTH

Whereas, Youth Service Project (YSP) has annually served more than 3,000 Hispanic and black young people ages 12 to 21 in the Humboldt Park community; and

Whereas, YSP's purpose is to build a stronger community by helping young people and their families confront neighborhood problems and provide constructive alternatives; and

Whereas, YSP's founder and executive director Nancy Abbate and her staff of 20 have been responsible for raising more than \$2 million from public and private sources to help improve the Humboldt Park community; and

Whereas, YSP has developed and implemented such worthwhile programs as Enrichment for Latinas Leading to Advancement, Teens Adapting to Parenting, Substance Abuse Education, Reading Enables a Second Language, Economic Development for Youth, Job Readiness Training, Neighborhood Response Counseling, Second Chance, Unified Delinquency Intervention Services, and Comprehensive Community Based Youth Service; and

Whereas, the Youth Service Project will celebrate its 15th year of service to the Humboldt community October 18, 1990;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 1990 as YOUTH SERVICE PROJECT MONTH in Illinois and urge citizens to support YSP's efforts to respond to the changing needs of our youth.

Issued by the Governor September 12, 1990.
Filed with the Secretary of State September 17, 1990.

90-439

CHICAGO LATINO FILM FESTIVAL DAY

Whereas, the Chicago Latino Cinema strives to increase public awareness of the Latino culture by holding the Annual International Latino Film Festival; and

Whereas, Latino films help broaden cultural awareness and contribute to a better understanding of the more than one million Hispanic residents in the Chicago area; and

Whereas, since the Festival became an annual city-wide event three years ago, Chicago Latino Cinema has screened 120 films, including many award-winners, and has attracted 35 film personalities from Latin America, Spain, and the United States; Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim September 29, 1990, as CHICAGO LATINO FILM FESTIVAL DAY in Illinois and urge citizens to take time to view one or more of these ethnic films to increase their awareness of the Latino culture.

Issued by the Governor September 13, 1990.

Filed with the Secretary of State September 17, 1990.

90-440

CHIROPRACTIC HEALTH CARE MONTH

Whereas, doctors of chiropractic throughout the United States are active during October in community health programs to improve the health of our citizens; and

Whereas, chiropractors have long stressed that exercise, good posture, and balanced nutrition are essential to proper growth, development, and health maintenance; and

Whereas, Illinoisans should become more aware of their health and receive periodic examinations; and

Whereas, the science of chiropractic and the physicians who practice it have contributed greatly to the better health of our citizenry;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 1990 as CHIROPRACTIC HEALTH CARE MONTH in Illinois.

Issued by the Governor September 13, 1990.

Filed with the Secretary of State September 17, 1990.

90-441

INROADS, INC. DAY

Whereas, the changing work force poses a challenge to corporate America to diversify its work force and to secure minority managerial talent; and

Whereas, Inroads, Inc. is a career development organization which provides a pool of managerial talent from which corporations can develop their own managers, while concurrently diversifying their corporate and civic communities; and

Whereas, Inroads, Inc. represents a well-orchestrated national effort with 37 affiliates, more than 4,500 participating students, and more than 2,000 alumni working in conjunction with more than 700 corporate sponsors to manage diversity in corporate America; and

Whereas, on September 18, 1990, Inroads, Inc. will celebrate its 20th year of dedicated service, achievement, and growth in accordance with its mission of developing and placing talented minority youths in business and industry and preparing them for corporate and community leadership;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim September 18, 1990, as INROADS, INC. DAY in Illinois and extend thanks to Fr. Frank Carr, corporate sponsors, students, alumni, parents, and staff for positioning Inroads as a premier organization for preparing corporate community leaders for the 21st century.

Issued by the Governor September 13, 1990.

Filed with the Secretary of State September 17, 1990.

90-442

MARJ ABRAMS DAY

Whereas, Marj Abrams, through her tireless and outstanding work as one of America's foremost publicists, has spread the word of Chicago's greatness; and

Whereas, Marj Abrams is celebrating more than 30 meritorious years in this capacity; and

Whereas, Marj Abrams, a member of the Society of Travel Writers, a recipient of International Telephone and Telegraph's "Best Ideas" award and Sheraton Hotels Corporation's "Merit" and "Grand" awards, has distinguished herself in her profession; and Whereas, Marj's friends are holding a Thank You Party to honor her achievements and celebrate her life and work;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim September 27, 1990, as MARJ ABRAMS DAY in Illinois and urge all citizens to be cognizant and appreciative of the contributions Marj Abrams has made to our state and the Midwest.

Issued by the Governor September 13, 1990.

Filed with the Secretary of State September 17, 1990.

90-443

COAL AWARENESS WEEK

Whereas, coal production is Illinois' second-largest industry, providing direct employment for more than 13,000 Illinoisans as well as related employment for tens of thousands of others; and

Whereas, coal has played a pivotal role in the history and development of Illinois as a vital social, industrial, and economic power; and

Whereas, coal adds to the quality of all our lives, through its contribution to the economy and its use in generating nearly 60 percent of America's electricity; and

Whereas, Illinois has been and continues to be a leader in the effort to find and promote ways to burn our vast coal resources without causing harm to the environment, committing more than \$130 million to these efforts so far, thus driving an additional \$1.4 billion in federal and private funds; and

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim the week of October 21-27, 1990, as COAL AWARENESS WEEK in Illinois, and I urge citizens to help support this highly important Illinois industry.

Issued by the Governor September 14, 1990.

Filed with the Secretary of State September 17, 1990.

90-444

FOOD SERVICE EMPLOYEES WEEK

Whereas, the food service is an integral part of the complete realm of services rendered to hospital patients; and

Whereas, conscientious, professional food service employees who work diligently to serve appetizing, nutritious, and cost-efficient food sometimes provide the brightest spot in a patient's day; and

Whereas, menu planners, chefs, cooks, administrators, dietitians, cafeteria staff, aides, and volunteers work in conjunction with other professionals to provide the best possible patient care;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 7-13, 1990, as FOOD SERVICE EMPLOYEES WEEK in Illinois, recognizing the vital contributions health care food service employees make to the citizens of our state.

Issued by the Governor September 14, 1990.

Filed with the Secretary of State September 17, 1990.

90-445

LEARNING DISABILITIES MONTH

Whereas, learning disabilities threaten one of our most precious rights--the right to learn; and

Whereas, learning disabilities usually stem from delayed or distorted development of the central nervous system. Such disabilities can prevent normal learning behavior, even in those with average or above-average intelligence, and can keep youngsters from reaching their full potential; and

Whereas, the Illinois Association for Citizens with Learning Disabilities believes an individual approach is beneficial to these youngsters when dealing with their educational, psychological, and medical needs. Early diagnosis of their disabilities and proper remediation allow them to become productive citizens in our society;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 1990 as LEARNING DISABILITIES MONTH in Illinois, and I urge our citizens to participate in the special observance of this month and increase awareness of this problem.

Issued by the Governor September 14, 1990.

Filed with the Secretary of State September 17, 1990.

90-446

LEIF ERICSSON DAY

Whereas, Leif Ericsson first came to these shores in about the year 1000; and

Whereas, the Icelandic explorer is believed to be the first European to visit the North American Continent; and

Whereas, Ericsson was known and is remembered for his prowess in navigation, his courage, and his determination;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 9, 1990, as LEIF ERICSSON DAY in Illinois in conjunction with the national observance.

Issued by the Governor September 14, 1990.

Filed with the Secretary of State September 17, 1990.

90-447

QUALITY MONTH

Whereas, a commitment to excellence in manufacturing and service is essential to our nation's long-term economic welfare; and

Whereas, over the years, American craftsmen have shown great personal pride and interest in developing quality goods and services; and

Whereas, individual workers, business managers, labor leaders, educators, and government officials must all work to promote a standard of excellence in the public and private sectors; and

Whereas, from the smallest to the largest manufacturing and service organizations in Illinois, quality is a major concern of all who believe in the long-term existence of their operations; and

Whereas, the interests of these men and women are represented by the American Society for Quality Control, an international society with more than 70,000 members worldwide, engaged in a national campaign to make all Americans aware that "Quality First" is the key to productivity and profitability in our economy; and

Whereas, the Central Illinois Section of the American Society for Quality Control will sponsor activities in support of this national awareness campaign;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 1990 as QUALITY MONTH in Illinois and commend the American Society for Quality Control and the Central Illinois Section for their contributions to our economy.

Issued by the Governor September 14, 1990.
Filed with the Secretary of State September 17, 1990.

90-448
SAFE SCHOOLS WEEK

Whereas, schools make substantial contributions to the future of America and to the development of our nation's young people as knowledgeable, responsible, and productive citizens; and

Whereas, excellence in education is dependent on safe, secure, and peaceful school settings; and

Whereas, the safety and well-being of many students, teachers, and school staff are unnecessarily jeopardized by crime and violence, such as substance abuse, gangs, bullying, poor discipline, vandalism, and absenteeism in our schools; and

Whereas, it is the responsibility of all citizens to enhance the learning experience of young people by helping to ensure fair and effective discipline, promote good citizenship, and generally make schools safe and secure; and

Whereas, programs of numerous schools and school districts throughout Illinois, along with national programs, are among the keys to focusing public attention on school safety;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 14-20, 1990, as SAFE SCHOOLS WEEK in Illinois, and I urge all citizens to recognize the importance of safety in our schools.

Issued by the Governor September 14, 1990.

Filed with the Secretary of State September 17, 1990.

90-449
STATE OF ISRAEL BONDS WEEK

Whereas, State of Israel Bonds has been in the forefront of raising funds for the State of Israel for the past 40 years; and

Whereas, State of Israel Bonds has raised over 10 billion dollars for the economic development of the State of Israel; and

Whereas, State of Israel Bonds is holding the International

Conference in Chicago October 25-28, 1990; and
Whereas, Israel stands in the forefront of democracy in the Middle East;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 22-28, 1990, as STATE OF ISRAEL BONDS WEEK in Illinois.

Issued by the Governor September 14, 1990.

Filed with the Secretary of State September 17, 1990.

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		PAGE NUMBER	ACTION CODE
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The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking activity occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 Ill. Adm. Code 100.280 was proposed last year and adopted this year. The action entry read: (P-8577/89; A-724). The codes for both columns are listed below. For a complete listing of the Titles of the *Illinois Administrative Code*, please refer to 1 Ill. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING		ACTION CODES	
am	= amendment to existing Section	A	= Adopted rule
cc	= codification changes	C	= Correction
n	= new Section	CC	= Codification Changes
r	= repeal of existing Section	E	= Emergency rule
rc	= reclassified	F	= Failure to Remedy Objections
#	= renumbered	M	= Modification
		O	= ICAR Objection
		P	= Proposed rule
		PF	= Prohibited Filing
		PP	= Peremptory rule
		R	= Refusal to Modify or Withdraw
		RC	= ICAR Recommendation
		S	= Suspended rule
		W	= Withdrawal of Proposed rule

TITLE 2		TITLE 3		TITLE 8	
150.220	am	(A-3049)	am	5.220	r
150.Ap.A	am	(A-3049)	am	5.230	r
551.40	am	(A-13852)	am	40.5	am
552.10	am	(A-6854)	am	40.60	am
625.55	am	(A-186)	am	40.170	am
700.20	am	(A-9009)	am	40.190	am
700.30	am	(A-584)	am	45.20	am
700.40	am	(A-584)	am	45.150	am
700.50	am	(A-584)	am	75.50	am
700.70	am	(A-584)	am	75.120	am
700.80	am	(A-584)	am	75.190	am
700.100	am	(A-584)	am	80.10	am
700.140	am	(A-584)	am	80.110	am
700.Ap.E	n	(A-4093)	n	85.5	am
700.Ap.C	am	(A-14032)	am	85.15	am
1026.110	am	(A-14032)	am	85.50	am
1026.120	r	(A-14032)	r	85.75	am
1026.130	am	(A-14032)	am	85.80	am
1026.140	am	(A-14032)	am	85.100	am
1026.150	am	(A-14032)	am	85.110	am
1026.160	am	(A-14032)	am	85.115	n
1026.170	am	(A-14032)	am	100.10	am
1026.180	r	(A-14032)	r	100.30	am
1026.190	am	(A-14032)	am	105.10	am
1026.200	am	(A-14032)	am	105.30	am
1026.210	r	(A-14032)	r	110.110	am
1026.Ap.A	am	(P-9364; A-15999)	am	110.20	am
1176.110	am	(P-9364; A-15999)	am	110.40	am
1176.310	am	(P-9364; A-15999)	am	110.90	am
1176.400	am	(P-9364; A-15999)	am	110.110	am
1176.410	am	(P-9364; A-15999)	am	111.20	am
2675.10	n	(A-4158)	n	115.20	am
2675.20	n	(A-4158)	n	115.40	am
2675.30	n	(A-4158)	n	115.50	am
2675.110	n	(A-4158)	n	115.80	am
2675.120	n	(A-4158)	n	125.10	am
2675.210	n	(A-4158)	n	125.90	am
2675.220	n	(A-4158)	n	125.190	am
2675.230	n	(A-4158)	n	125.200	am
2675.240	n	(A-4158)	n	125.260	am
2675.250	n	(A-4158)	n	125.270	am
2675.260	n	(A-4158)	n	125.280	am
2675.Ap.A	n	(A-4158)	n		
2676.10	n	(A-4151)	n		
2676.20	n	(A-4151)	n		
2676.30	n	(A-4151)	n		
2676.40	n	(A-4151)	n		
2676.50	n	(A-4151)	n		
2676.60	n	(A-4151)	n		
2676.70	n	(A-4151)	n		
2700.10	n	(A-11982)	n		
2700.13	n	(A-11982)	n		
2700.15	n	(A-11982)	n		
2700.20	n	(A-11982)	n		
2700.25	n	(A-11982)	n		
2700.26	n	(A-11982)	n		
2700.27	n	(A-11982)	n		
2700.Ap.A	n	(A-12543)	n		
2701.10	n	(A-12543)	n		
2701.13	n	(A-12543)	n		
2701.16	n	(A-12543)	n		
2701.19	n	(A-12543)	n		
2701.21	n	(A-12543)	n		

TITLE 8 (CONT'D)		TITLE 14 (CONT'D)	
125.300 am	(P-16625/89; A-3424)	130.442 am	(P-16302/89; A-5188)
125.305 am	(P-16625/89; A-3424)	130.491 n	(P-16302/89; A-5188)
125.380 am	(PP-4953)	130.510 am	(P-13742/89; A-884)
125.390 am	(PP-4953) (PP-11401)	130.530 n	(P-13742/89; A-884)
125.400 am	(PP-16064)	130.532 am	(P-16302/89; A-5188)
270.261 am	(P-10965)	130.533 am	(P-16302/89; A-5188)
850.50 am	(P-19837/89; A-5072)	130.550 n	(P-13742/89; A-884)
		130.610 am	(P-13742/89; A-884)
		130.630 n	(P-13742/89; A-884)
		130.650 n	(P-13742/89; A-884)
		130.700 am	(P-16302/89; A-5188)
		130.701 n	(P-16302/89; A-5188)
		130.710 am	(P-13742/89; A-884)
		130.715 n	(P-13742/89; A-884)
		130.730 n	(P-13742/89; A-884)
		130.750 n	(P-13742/89; A-884)
		130.805 n	(P-16302/89; A-5188)
		130.810 am	(P-13742/89; A-884)
		130.820 n	(P-13742/89; A-884)
		130.821 am	(P-13742/89; A-884)
		130.822 n	(P-16302/89; A-5188)
		130.823 n	(P-16302/89; A-5188)
		130.824 am	(P-16302/89; A-5188)
		130.826 am	(P-13742/89; A-884)
		130.827 am	(P-16302/89; A-5188)
		130.828 am	(P-16302/89; A-5188)
		130.829 n	(P-16302/89; A-5188)
		130.832 am	(P-16302/89; A-5188)
		130.840 am	(P-13742/89; A-884)
		130.841 am	(P-13742/89; A-884)
		130.842 am	(P-16302/89; A-5188)
		130.844 am	(P-16302/89; A-5188)
		130.846 am	(P-13742/89; A-884)
		130.847 n	(P-13742/89; A-884)
		130.852 am	(P-16302/89; A-5188)
		130.860 am	(P-13742/89; A-884)
		130.1100 am	(P-16302/89; A-5188)
		130.1101 am	(P-16302/89; A-5188)
		130.1102 am	(P-16302/89; A-5188)
		130.1103 n	(P-16302/89; A-5188)
		130.1104 n	(P-16302/89; A-5188)
		130.1105 n	(P-16302/89; A-5188)
		130.1106 n	(P-16302/89; A-5188)
		130.1107 n	(P-16302/89; A-5188)
		130.1108 n	(P-16302/89; A-5188)
		130.1109 n	(P-16302/89; A-5188)
		130.1110 n	(P-16302/89; A-5188)
		130.1111 n	(P-16302/89; A-5188)
		130.1111 #	(P-16302/89; A-5188)
		130.1112 #	(P-16302/89; A-5188)
		130.1112 am	(P-16302/89; A-5188)
		130.1113 am	(P-16302/89; A-5188)
		130.1114 n	(P-16302/89; A-5188)
		130.1115 n	(P-16302/89; A-5188)
		130.1116 n	(P-16302/89; A-5188)
		130.1117 n	(P-16302/89; A-5188)
		130.1118 n	(P-16302/89; A-5188)
		130.1119 n	(P-16302/89; A-5188)
		130.1120 n	(P-16302/89; A-5188)
		130.1121 am	(P-16302/89; A-5188)
		130.1122 am	(P-16302/89; A-5188)
		130.1123 am	(P-16302/89; A-5188)

TITLE 8 (CONT'D)		TITLE 14 (CONT'D)	
439.90 n	(P-5751; A-13847)	130.442 am	(P-16302/89; A-5188)
439.100 n	(P-5751; A-13847)	130.491 n	(P-16302/89; A-5188)
439.110 n	(P-5751; A-13847)	130.510 am	(P-13742/89; A-884)
439.120 n	(P-5751; A-13847)	130.530 n	(P-13742/89; A-884)
439.130 n	(P-5751; A-13847)	130.532 am	(P-16302/89; A-5188)
440.10 n	(P-8975)	130.533 am	(P-16302/89; A-5188)
440.20 n	(P-8975)	130.550 n	(P-13742/89; A-884)
440.30 n	(P-8975)	130.610 am	(P-13742/89; A-884)
440.40 n	(P-8975)	130.630 n	(P-13742/89; A-884)
440.50 n	(P-8975)	130.650 n	(P-13742/89; A-884)
440.60 n	(P-8975)	130.700 am	(P-16302/89; A-5188)
440.70 n	(P-8975)	130.701 n	(P-16302/89; A-5188)
440.80 n	(P-8975)	130.710 am	(P-13742/89; A-884)
440.90 n	(P-8975)	130.715 n	(P-13742/89; A-884)
441.00 n	(P-8975)	130.730 n	(P-13742/89; A-884)
441.10 n	(P-8975)	130.750 n	(P-13742/89; A-884)
441.20 n	(P-8975)	130.805 n	(P-16302/89; A-5188)
441.30 n	(P-8975)	130.810 am	(P-13742/89; A-884)
441.40 n	(P-8975)	130.820 n	(P-13742/89; A-884)
441.50 n	(P-8975)	130.821 am	(P-13742/89; A-884)
502.820 am	(P-8952)	130.822 n	(P-16302/89; A-5188)
509.40 am	(P-10171/89; A-8186)	130.823 n	(P-16302/89; A-5188)
509.150 am	(P-10679)	130.824 am	(P-16302/89; A-5188)
509.190 am	(P-10679)	130.826 am	(P-13742/89; A-884)
509.240 am	(P-10679)	130.827 am	(P-16302/89; A-5188)
509.260 am	(P-10679)	130.828 am	(P-16302/89; A-5188)
509.265 am	(P-10679)	130.829 n	(P-16302/89; A-5188)
510.200 am	(P-8079)	130.832 am	(P-16302/89; A-5188)
1305.120 am	(P-10687)	130.840 am	(P-13742/89; A-884)
1305.250 am	(P-8967)	130.841 am	(P-13742/89; A-884)
1305.310 n	(P-10687)	130.842 am	(P-16302/89; A-5188)
1312.265 am	(P-14750)	130.844 am	(P-16302/89; A-5188)
1317.70 am	(P-8083)	130.846 am	(P-13742/89; A-884)
1325.120 am	(P-8090)	130.847 n	(P-13742/89; A-884)
1325.130 am	(P-8553)	130.847 n	(P-13742/89; A-884)
1413.48 am	(P-12385)	130.852 am	(P-16302/89; A-5188)
1415.160 am	(P-10696)	130.860 am	(P-13742/89; A-884)
1424.140 n	(P-10691)	130.1100 am	(P-16302/89; A-5188)
1424.150 n	(P-10691)	130.1101 am	(P-16302/89; A-5188)
1424.175 am	(P-10691)	130.1102 am	(P-16302/89; A-5188)
1424.230 am	(P-8971)	130.1103 n	(P-16302/89; A-5188)
1424.240 am	(P-10691)	130.1104 n	(P-16302/89; A-5188)
1428.130 r	(P-8948)	130.1105 n	(P-16302/89; A-5188)
1428.160 r	(P-10675)	130.1106 n	(P-16302/89; A-5188)
		130.1107 n	(P-16302/89; A-5188)
		130.1108 n	(P-16302/89; A-5188)
		130.1109 n	(P-16302/89; A-5188)
		130.1110 n	(P-16302/89; A-5188)
		130.1111 n	(P-16302/89; A-5188)
		130.1111 #	(P-16302/89; A-5188)
		130.1112 #	(P-16302/89; A-5188)
		130.1112 am	(P-16302/89; A-5188)
		130.1113 am	(P-16302/89; A-5188)
		130.1114 n	(P-16302/89; A-5188)
		130.1115 n	(P-16302/89; A-5188)
		130.1116 n	(P-16302/89; A-5188)
		130.1117 n	(P-16302/89; A-5188)
		130.1118 n	(P-16302/89; A-5188)
		130.1119 n	(P-16302/89; A-5188)
		130.1120 n	(P-16302/89; A-5188)
		130.1121 am	(P-16302/89; A-5188)
		130.1122 am	(P-16302/89; A-5188)
		130.1123 am	(P-16302/89; A-5188)

TITLE 20 (CONT'D)		TITLE 21 (CONT'D)		TITLE 22 (CONT'D)		TITLE 23	
415.20	am	(E-13316) (P-15228)	1.630	am	(P-1650; A-12457)	226.555	am
415.30	am	(P-15228)	1.640	am	(P-1650; A-12457)	226.560	am
415.40	am	(P-15228)	1.730	am	(P-1650; A-12457)	226.562	am
415.70	n	(P-15228)	1.735	n	(P-1650; A-12457)	226.605	am
525.110	am	(P-12345)	1.735	am	(P-1650; A-12457)	226.612	am
525.130	am	(P-12345)	1.735	am	(P-1650; A-12457)	226.615	am
525.140	am	(P-12345)	1.735	am	(P-1650; A-12457)	226.620	am
525.150	am	(P-12345)	1.735	am	(P-1650; A-12457)	226.680	am
525.210	am	(P-12345)	1.735	am	(P-1650; A-12457)	226.684	am
525.230	am	(P-12345)	1.735	am	(P-1650; A-12457)	226.720	am
525.10	n	(P-18040/89; A-6765)	25.705	n	(P-18040/89; A-6765)	226.730	am
525.12	n	(P-18040/89; A-6765)	25.717	n	(P-18040/89; A-6765)	250.70	am
525.15	n	(P-18040/89; A-6765)	25.732	n	(P-18040/89; A-6765)	253.30	am
525.17	n	(P-18040/89; A-6765)	25.750	n	(P-18040/89; A-6765)	260.40	am
525.20	n	(P-18040/89; A-6765)	25.755	n	(P-18040/89; A-6765)	260.40	am
525.30	am	(P-18040/89; A-6765)	25.760	am	(P-18040/89; A-6765)	260.40	am
525.40	am	(P-18040/89; A-6765)	25.780	am	(P-18040/89; A-6765)	260.40	am
525.50	am	(P-18040/89; A-6765)	25.780	am	(P-18040/89; A-6765)	260.40	am
525.60	am	(P-18040/89; A-6765)	25.780	am	(P-18040/89; A-6765)	260.40	am
525.70	am	(P-18040/89; A-6765)	25.780	am	(P-18040/89; A-6765)	260.40	am
525.80	am	(P-18040/89; A-6765)	25.780	am	(P-18040/89; A-6765)	260.40	am
525.90	am	(P-18040/89; A-6765)	25.780	am	(P-18040/89; A-6765)	260.40	am
525.100	am	(P-18040/89; A-6765)	25.780	am	(P-18040/89; A-6765)	260.40	am
525.110	am	(P-18040/89; A-6765)	25.780	am	(P-18040/89; A-6765)	260.40	am
525.120	am	(P-18040/89; A-6765)	25.780	am	(P-18040/89; A-6765)	260.40	am
525.130	am	(P-18040/89; A-6765)	25.780	am	(P-18040/89; A-6765)	260.40	am
525.140	am	(P-18040/89; A-6765)	25.780	am	(P-18040/89; A-6765)	260.40	am
525.150	am	(P-18040/89; A-6765)	25.780	am	(P-18040/89; A-6765)	260.40	am
701.70	am	(P-9684)	110.25	am	(P-9684)	451.30	am
701.270	am	(P-9684)	110.25	am	(P-9684)	451.30	am
720.150	am	(P-9694)	110.25	am	(P-9694)	451.30	am
1215.10	n	(P-12398)	202.10	n	(P-12398)	451.30	am
1215.20	n	(P-12398)	202.10	n	(P-12398)	451.30	am
1215.30	n	(P-12398)	202.10	n	(P-12398)	451.30	am
1215.40	n	(P-12398)	202.10	n	(P-12398)	451.30	am
1215.50	n	(P-12398)	202.10	n	(P-12398)	451.30	am
1560.10	n	(P-8800)	202.10	n	(P-8800)	451.30	am
1560.20	n	(P-8800)	202.10	n	(P-8800)	451.30	am
1560.30	n	(P-8800)	202.10	n	(P-8800)	451.30	am
1560.40	n	(P-8800)	202.10	n	(P-8800)	451.30	am
1560.50	n	(P-8800)	202.10	n	(P-8800)	451.30	am
1720.20	am	(P-5378; A-14800)	202.10	am	(P-5378; A-14800)	451.30	am
1720.25	am	(P-5378; A-14800)	202.10	am	(P-5378; A-14800)	451.30	am
1760.101	n	(P-13997/89; A-10027)	202.10	n	(P-13997/89; A-10027)	451.30	am
1760.102	n	(P-13997/89; A-10027)	202.10	n	(P-13997/89; A-10027)	451.30	am
1760.103	n	(P-13997/89; A-10027)	202.10	n	(P-13997/89; A-10027)	451.30	am
1760.104	n	(P-13997/89; A-10027)	202.10	n	(P-13997/89; A-10027)	451.30	am
1760.201	n	(P-13997/89; A-10027)	202.10	n	(P-13997/89; A-10027)	451.30	am
1760.202	n	(P-13997/89; A-10027)	202.10	n	(P-13997/89; A-10027)	451.30	am
1760.203	n	(P-13997/89; A-10027)	202.10	n	(P-13997/89; A-10027)	451.30	am
1760.204	n	(P-13997/89; A-10027)	202.10	n	(P-13997/89; A-10027)	451.30	am
1760.205	n	(P-13997/89; A-10027)	202.10	n	(P-13997/89; A-10027)	451.30	am
1760.206	n	(P-13997/89; A-10027)	202.10	n	(P-13997/89; A-10027)	451.30	am
1760.207	n	(P-13997/89; A-10027)	202.10	n	(P-13997/89; A-10027)	451.30	am
1.30	am	(P-1650; A-12457)	210.110	am	(P-1650; A-12457)	451.220	am
1.240	am	(P-1650; A-12457)	210.120	am	(P-1650; A-12457)	451.230	am
1.245	n	(P-6931)	210.130	am	(P-6931)	451.230	am
1.280	am	(P-1650; A-12457)	210.140	am	(P-1650; A-12457)	451.235	am
1.290	am	(P-1650; A-12457)	210.150	am	(P-1650; A-12457)	451.240	am
1.320	am	(P-1650; A-12457)	210.210	am	(P-1650; A-12457)	451.240	am
1.430	am	(P-1650; A-12457)	210.220	am	(P-1650; A-12457)	451.250	am
1.440	am	(P-1650; A-12457)	210.230	am	(P-1650; A-12457)	451.250	am

TITLE 23 (CONT'D)			TITLE 32 (CONT'D)			TITLE 33 (CONT'D)		
1036.60	n	(P-16234/89; A-5118)	2761.10	am	(P-18245/89; A-10578)	332.220	am	(P-11471)
1036.70	n	(P-16234/89; A-5118)	2761.20	am	(P-18245/89; A-10578)	330.240	am	(P-11471)
1037.10	n	(P-16237/89; A-4508)	2761.30	am	(P-18245/89; A-10578)	330.250	am	(P-11471)
1037.20	n	(P-16227/89; A-4508)	2761.40	r	(P-11764)	330.260	am	(P-11471)
1037.30	n	(P-16227/89; A-4508)	3030.20	am	(P-11764)	330.270	am	(P-11471)
1037.40	n	(P-16227/89; A-4508)	3030.105	am	(P-11764)	330.280	am	(P-11471)
1037.50	n	(P-16227/89; A-4508)				330.310	am	(P-11471)
1037.60	n	(P-16227/89; A-4508)				330.320	am	(P-11471)
1037.70	n	(P-16227/89; A-4508)				330.340	am	(P-11471)
1037.80	n	(P-16227/89; A-4508)				330.360	am	(P-11471)
1501.111	am	(P-16869/89; A-4126)				330.400	am	(P-11471)
1501.302	am	(P-16869/89; A-4126)				330.900	am	(P-11471)
		(P-18025/89; A-10762)				330.100	am	(P-11471)
1501.303	am	(P-16869/89; A-4126)	100.70	am	(P-14539/89; A-10824)	330.1020	am	(P-11471)
1501.308	am	(P-16869/89; A-4126)	100.80	am	(P-14539/89; A-10824)	335.1030	am	(P-11471)
1501.406	am	(P-16869/89; A-4126)	100.100	am	(P-14539/89; A-10824)	335.1040	am	(P-11471)
1501.501	am	(P-16869/89; A-4126)	125.5	am	(P-14556/89; A-10832)	335.1050	am	(P-11471)
		(P-16869/89; A-4126)	125.90	am	(P-14556/89; A-10832)	335.1060	am	(P-11471)
		(P-16869/89; A-4126)	125.95	am	(P-14556/89; A-10832)	335.1070	am	(P-11471)
		(P-16869/89; A-4126)	125.170	am	(P-14556/89; A-10832)	335.1080	am	(P-11471)
		(P-16869/89; A-4126)	125.190	am	(P-14556/89; A-10832)	335.1090	am	(P-11471)
1501.503	am	(P-16869/89; A-4126)	125.195	am	(P-14556/89; A-10832)	335.2010	am	(P-11471)
1501.508	am	(P-16869/89; A-4126)	125.199	am	(P-14556/89; A-10832)	335.2020	am	(P-11471)
1501.509	am	(P-16869/89; A-4126)	125.245	am	(P-14556/89; A-10832)	335.2030	am	(P-11471)
1501.510	am	(P-16869/89; A-4126)	125.250	am	(P-14556/89; A-10832)	335.2040	am	(P-11471)
1501.515	am	(P-16869/89; A-4126)	125.252	am	(P-14556/89; A-10832)	335.2050	am	(P-11471)
1501.516	am	(P-16869/89; A-4126)	125.253	am	(P-14556/89; A-10832)	335.2060	am	(P-11471)
1501.517	am	(P-16869/89; A-4126)	125.254	am	(P-14556/89; A-10832)	335.2070	am	(P-11471)
1501.601	am	(P-16869/89; A-4126)	125.255	am	(P-14556/89; A-10832)	335.2080	am	(P-11471)
1501.602	am	(P-16869/89; A-4126)	125.256	am	(P-14556/89; A-10832)	335.2090	am	(P-11471)
1501.603	am	(P-16869/89; A-4126)	125.262	am	(P-14556/89; A-10832)	335.2100	am	(P-11471)
1501.604	am	(P-16869/89; A-4126)	125.270	am	(P-14556/89; A-10832)	335.2110	am	(P-11471)
1501.605	am	(P-16869/89; A-4126)	125.272	am	(P-14556/89; A-10832)	335.2120	am	(P-11471)
1501.608	am	(P-16869/89; A-4126)	125.275	am	(P-14556/89; A-10832)	335.2130	am	(P-11471)
1501.610	am	(P-16869/89; A-4126)	125.340	am	(P-14556/89; A-10832)	335.3010	am	(P-11471)
2400.10	am	(P-12357)	125.420	am	(P-14556/89; A-10832)	335.4010	am	(P-11471)
2400.20	am	(P-12357)	125.440	am	(P-14556/89; A-10832)	335.4020	am	(P-11471)
2400.30	am	(P-12357)	125.425	am	(P-14556/89; A-10832)	335.4030	am	(P-11471)
2400.50	am	(P-12357)	125.510	am	(P-14556/89; A-10832)	335.5010	am	(P-11471)
2400.60	am	(P-12357)	125.520	am	(P-14556/89; A-10832)	335.5020	am	(P-11471)
2700.20	am	(P-18207/89; A-10538)	125.530	am	(P-14556/89; A-10832)	335.5030	am	(P-11471)
2700.30	am	(P-18207/89; A-10538)	125.540	am	(P-14556/89; A-10832)	335.6010	am	(P-11471)
2700.40	am	(P-18207/89; A-10538)	125.610	am	(P-14556/89; A-10832)	335.7010	am	(P-11471)
2700.50	am	(P-18207/89; A-10538)	210.10	am	(P-3814) (E-6907; O-10162)	335.7020	am	(P-11471)
2700.70	am	(P-18207/89; A-10538)	210.Ap.A	am	(P-3814) (E-6907; O-10162)	335.7030	am	(P-11471)
2720.10	am	(P-18222/89; A-10553)	210.Ap.B	am	(P-3814) (E-6907; O-10162)	335.7040	am	(P-11471)
2720.30	am	(P-18222/89; A-10553)				335.7050	am	(P-11471)
2720.40	am	(P-18222/89; A-10553)				335.8010	am	(P-11471)
2720.50	am	(P-18222/89; A-10553)	310.10	am	(P-11450)	335.8020	am	(P-11471)
2720.60	am	(P-18222/89; A-10553)	310.20	am	(P-11450)	335.8030	am	(P-11471)
2720.70	am	(P-18222/89; A-10553)	310.30	am	(P-11450)	335.8040	am	(P-11471)
2720.80	am	(P-18222/89; A-10553)	310.40	am	(P-11450)	335.8050	am	(P-11471)
2720.90	am	(P-18222/89; A-10553)	310.50	am	(P-11450)	335.8060	am	(P-11471)
2720.10	am	(P-18222/89; A-10553)	310.60	am	(P-11450)	335.8070	am	(P-11471)
2720.20	am	(P-18222/89; A-10553)	310.70	am	(P-11450)	335.8080	am	(P-11471)
2720.30	am	(P-18222/89; A-10553)	310.80	am	(P-11450)	335.8090	am	(P-11471)
2720.40	am	(P-18222/89; A-10553)	310.90	am	(P-11450)	335.8100	am	(P-11471)
2720.50	am	(P-18222/89; A-10553)	310.100	am	(P-11450)	335.8110	am	(P-11471)
2720.60	am	(P-18222/89; A-10553)	310.110	am	(P-11450)	335.8120	am	(P-11471)
2720.70	am	(P-18222/89; A-10553)	310.120	am	(P-11450)	335.8130	am	(P-11471)
2720.80	am	(P-18222/89; A-10553)	310.130	am	(P-11450)	335.8140	am	(P-11471)
2720.90	am	(P-18222/89; A-10553)	310.140	am	(P-11450)	335.8150	am	(P-11471)
2720.10	am	(P-18222/89; A-10553)	310.150	am	(P-11450)	335.9010	am	(P-11471)
2720.20	am	(P-18222/89; A-10553)	310.160	am	(P-11450)	335.9020	am	(P-11471)
2720.30	am	(P-18222/89; A-10553)	310.170	am	(P-11450)	335.9030	am	(P-11471)
2720.40	am	(P-18222/89; A-10553)	310.180	am	(P-11450)			
2720.50	am	(P-18222/89; A-10553)	310.190	am	(P-11450)			
2720.60	am	(P-18222/89; A-10553)	310.200	am	(P-11450)			
2720.70	am	(P-18222/89; A-10553)	310.210	am	(P-11450)			
2720.80	am	(P-18222/89; A-10553)	310.220	am	(P-11450)			
2720.90	am	(P-18222/89; A-10553)	310.230	am	(P-11450)			
2720.10	am	(P-18222/89; A-10553)	310.240	am	(P-11450)			
2720.20	am	(P-18222/89; A-10553)	310.250	am	(P-11450)			
2720.30	am	(P-18222/89; A-10553)	310.260	am	(P-11450)			
2720.40	am	(P-18222/89; A-10553)	310.270	am	(P-11450)			
2720.50	am	(P-18222/89; A-10553)	310.280	am	(P-11450)			
2720.60	am	(P-18222/89; A-10553)	310.290	am	(P-11450)			
2720.70	am	(P-18222/89; A-10553)	310.300	am	(P-11450)			
2720.80	am	(P-18222/89; A-10553)	310.310	am	(P-11450)			
2720.90	am	(P-18222/89; A-10553)	310.320	am	(P-11450)			
2720.10	am	(P-18222/89; A-10553)	310.330	am	(P-11450)			
2720.20	am	(P-18222/89; A-10553)	310.340	am	(P-11450)			
2720.30	am	(P-18222/89; A-10553)	310.350	am	(P-11450)			
2720.40	am	(P-18222/89; A-10553)	310.360	am	(P-11450)			
2720.50	am	(P-18222/89; A-10553)	310.370	am	(P-11450)			
2720.60	am	(P-18222/89; A-10553)	310.380	am	(P-11450)			
2720.70	am	(P-18222/89; A-10553)	310.390	am	(P-11450)			
2720.80	am	(P-18222/89; A-10553)	310.400	am	(P-11450)			
2720.90	am	(P-18222/89; A-10553)	310.410	am	(P-11450)			
2720.10	am	(P-18222/89; A-10553)	310.420	am	(P-11450)			
2720.20	am	(P-18222/89; A-10553)	310.430	am	(P-11450)			
2720.30	am	(P-18222/89; A-10553)	310.440	am	(P-11450)			
2720.40	am	(P-18222/89; A-10553)	310.450	am	(P-11450)			
2720.50	am	(P-18222/89; A-10553)	310.460	am	(P-11450)			
2720.60	am	(P-18222/89; A-10553)	310.470	am	(P-11450)			
2720.70	am	(P-18222/89; A-10553)	310.480	am	(P-11450)			
2720.80	am	(P-18222/89; A-10553)	310.490	am	(P-11450)			
2720.90	am	(P-18222/89; A-10553)	310.500	am	(P-11450)			
2720.10	am	(P-18222/89; A-10553)	310.510	am	(P-11450)			
2720.20	am	(P-18222/89; A-10553)	310.520	am	(P-11450)			
2720.30	am	(P-18222/89; A-10553)	310.530	am	(P-11450)			
2720.40	am	(P-18222/89; A-10553)	310.540	am	(P-11450)			
2720.50	am	(P-18222/89; A-10553)	310.550	am	(P-11450)			
2720.60	am	(P-18222/89; A-10553)	310.560	am	(P-11450)			
2720.70	am	(P-18222/89; A-10553)	310.570	am	(P-11450)			
2720.80	am	(P-18222/89; A-10553)	310.580	am	(P-11450)			
2720.90	am	(P-18222/89; A-10553)	310.590	am	(P-11450)			
2720.10	am	(P-18222/89; A-10553)	310.600	am	(P-11450)			
2720.20	am	(P-18222/89; A-10553)	310.610	am	(P-11450)			
2720.30	am	(P-18222/89; A-10553)	310.620	am	(P-11450)			
2720.40	am	(P-18222/89; A-10553)	310.630	am	(P-11450)			
2720.50	am	(P-18222/89; A-10553)	310.640	am	(P-11450)			
2720.60	am	(P-18222/89; A-10553)	310.650	am	(P-11450)			
2720.70	am	(P-18222/89; A-10553)	310.660	am	(P-11450)			
2720.80	am	(P-18222/89; A-10553)	310.670	am	(P-11450)			
2720.90	am	(P-18222/89; A-10553)	310.680	am	(P-11450)			
2720.10	am	(P-18222/89; A-10553)	310.690	am	(P-11450)			
2720.20	am	(P-18222/89; A-10553)	310.700	am	(P-11450)			
2720.30	am	(P-18222/89; A-10553)	310.710	am	(P-11450)			
2720.40	am	(P-18222/89; A-10553)	310.720	am	(P-11450)			
2720.50	am	(P-18222/89; A-10553)	310.730	am	(P-11450)			
2720.60	am	(P-18222/89; A-10553)	310.740	am	(P-11450)			
2720.70	am	(P-18222/89; A-10553)	310.750	am	(P-11450)			
2720.80	am	(P-18222/89; A-10553)	310.760	am	(P-11450)			
2720.90	am	(P-18222/89; A-10553)	310.770	am	(P-11450)			
2720.10	am	(P-18222/89; A-10553)	310.780	am	(P-11450)			
2720.20	am	(P-18222/89; A-10553)	310.790					

[illegible]

TITLE 35 (CONTD)				TITLE 38			
848.502	n	(P-7763)	395.10	n	(P-2981)		
848.503	n	(P-7763)	395.20	n	(P-2981)		
848.504	n	(P-7763)	395.30	n	(P-2981)		
848.505	n	(P-7763)	396.10	n	(P-2985; A-15771)		
848.506	n	(P-7763)	396.20	n	(P-2985; A-15771)		
848.507	n	(P-7763)	396.30	n	(P-2985; A-15771)		
848.601	n	(P-7763)	397.10	n	(P-15181)		
848.602	n	(P-7763)	397.20	n	(P-15181)		
848.603	n	(P-7763)	397.30	n	(P-15181)		
848.604	n	(P-7763)	397.40	n	(P-15181)		
848.605	n	(P-7763)	397.50	n	(P-15181)		
848.606	n	(P-7763)	1075.100	n	(P-14758) (E-15029)		
848.607	n	(P-7763)	1075.110	n	(P-14758) (E-15029)		
848.608	n	(P-7763)	1075.120	n	(P-14758) (E-15029)		
848.609	n	(P-7763)	1075.130	n	(P-14758) (E-15029)		
848.610	n	(P-7763)	1075.140	n	(P-14758) (E-15029)		
848.611	n	(P-7763)	1075.150	n	(P-14758) (E-15029)		
848.612	n	(P-7763)	1075.160	n	(P-14758) (E-15029)		
848.613	n	(P-7763)	1075.170	n	(P-14758) (E-15029)		
848.614	n	(P-7763)	1075.180	n	(P-14758) (E-15029)		
848.615	n	(P-7763)	1075.190	n	(P-14758) (E-15029)		
848.616	n	(P-7763)	1075.200	n	(P-14758) (E-15029)		
848.617	n	(P-7763)	1075.210	n	(P-14758) (E-15029)		
848.618	n	(P-7763)	1075.220	n	(P-14758) (E-15029)		
848.619	n	(P-7763)	1075.230	n	(P-14758) (E-15029)		
848.620	n	(P-7763)	1075.240	n	(P-14758) (E-15029)		
848.621	n	(P-7763)	1075.250	n	(P-14758) (E-15029)		
848.622	n	(P-7763)	1075.260	n	(P-14758) (E-15029)		
848.623	n	(P-7763)	1075.270	n	(P-14758) (E-15029)		
848.624	n	(P-7763)	1075.280	n	(P-14758) (E-15029)		
848.625	n	(P-7763)	1075.290	n	(P-14758) (E-15029)		
848.626	n	(P-7763)	1075.300	n	(P-14758) (E-15029)		
848.627	n	(P-7763)	1075.310	n	(P-14758) (E-15029)		
848.628	n	(P-7763)	1075.320	n	(P-14758) (E-15029)		
848.629	n	(P-7763)	1075.330	n	(P-14758) (E-15029)		
848.630	n	(P-7763)	1075.340	n	(P-14758) (E-15029)		
848.631	n	(P-7763)	1075.350	n	(P-14758) (E-15029)		
848.632	n	(P-7763)	1075.360	n	(P-14758) (E-15029)		
848.633	n	(P-7763)	1075.370	n	(P-14758) (E-15029)		
848.634	n	(P-7763)	1075.380	n	(P-14758) (E-15029)		
848.635	n	(P-7763)	1075.390	n	(P-14758) (E-15029)		
848.636	n	(P-7763)	1075.400	n	(P-14758) (E-15029)		
848.637	n	(P-7763)	1075.410	n	(P-14758) (E-15029)		
848.638	n	(P-7763)	1075.420	n	(P-14758) (E-15029)		
848.639	n	(P-7763)	1075.430	n	(P-14758) (E-15029)		
848.640	n	(P-7763)	1075.440	n	(P-14758) (E-15029)		
848.641	n	(P-7763)	1075.450	n	(P-14758) (E-15029)		
848.642	n	(P-7763)	1075.460	n	(P-14758) (E-15029)		
848.643	n	(P-7763)	1075.470	n	(P-14758) (E-15029)		
848.644	n	(P-7763)	1075.480	n	(P-14758) (E-15029)		

ILLINOIS REGISTER			SECTIONS AFFECTED INDEX			SEPTEMBER 28, 1990		
VOL. 14, ISSUE #39			VOL. 14, ISSUE #39			SEPTEMBER 28, 1990		
TITLE 41 (CONT'D)			TITLE 47 (CONT'D)			TITLE 48 (CONT'D)		
140.90	(P-4781)	n	100.113	(P-17589/89; A-13440)	n	5010.341	(P-5322)	n
140.130	(P-4781)	am	100.113	(P-15189)	am	250.343	(P-5322)	n
140.140	(P-4781)	n	100.115	(P-17589/89; A-13440)	am	250.344	(P-5322)	n
140.150	(P-4781)	am	100.115	(P-17589/89; A-13440)	am	250.345	(P-5322)	n
140.160	(P-4781)	am	100.117	(P-17589/89; A-13440)	n	250.356	(P-5322)	n
140.171	(P-4781)	am	100.117	(P-15189)	n	250.358	(P-5322)	n
140.180	(P-4781)	am	100.120	(P-17589/89; A-13440)	am	250.360	(P-5322)	n
140.185	(P-4781)	am	100.120	(P-15189)	am	250.370	(P-5322)	n
140.190	(P-4781)	am	100.130	(P-17589/89; A-13440)	r	250.380	(P-5322)	n
140.200	(P-4781)	am	100.140	(P-17589/89; A-13440)	r	250.390	(P-5322)	n
140.210	(P-4781)	am	100.210	(P-17589/89; A-13440)	n	250.400	(P-5322)	n
140.215	(P-4781)	am	100.230	(P-17589/89; A-13440)	r	250.410	(P-5322)	n
140.220	(P-4781)	am	100.240	(P-17589/89; A-13440)	n	251.10	(P-5322)	n
140.230	(P-4781)	am	100.240	(P-17589/89; A-13440)	n	251.20	(P-5322)	n
140.240	(P-4781)	am	100.290	(P-17589/89; A-13440)	am	251.30	(P-4781)	n
140.250	(P-4781)	am	100.300	(P-17589/89; A-13440)	r	251.40	(P-4781)	n
140.260	(P-4781)	n	100.300	(P-17589/89; A-13440)	n	251.50	(P-4781)	n
140.270	(P-4781)	am	100.300	(P-17589/89; A-13440)	am	251.60	(P-4781)	n
140.325	(P-4781)	am	100.300	(P-17589/89; A-13440)	am	251.70	(P-4781)	n
140.390	(P-4781)	am	100.300	(P-17589/89; A-13440)	am	251.80	(P-4781)	n
170.310	(P-12373)	am	100.300	(P-17589/89; A-13440)	am	251.90	(P-4781)	n
170.670	(P-63; A-5781)	am	100.300	(P-17589/89; A-13440)	am	252.00	(P-4781)	n
250.10	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	252.10	(P-5322)	n
250.20	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	252.20	(P-5322)	n
250.25	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	252.30	(P-5322)	n
250.30	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	252.40	(P-5322)	n
250.40	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	252.50	(P-5322)	n
250.50	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	252.60	(P-5322)	n
250.55	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	252.70	(P-5322)	n
250.60	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	252.80	(P-5322)	n
250.70	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	252.90	(P-5322)	n
250.80	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	253.00	(P-5322)	n
250.82	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	253.10	(P-5322)	n
250.83	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	253.20	(P-5322)	n
250.85	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	253.30	(P-5322)	n
250.90	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	253.40	(P-5322)	n
250.95	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	253.50	(P-5322)	n
250.97	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	253.60	(P-5322)	n
250.201	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	253.70	(P-5322)	n
250.210	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	253.80	(P-5322)	n
250.213	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	253.90	(P-5322)	n
250.215	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	254.00	(P-5322)	n
250.216	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	254.10	(P-5322)	n
250.220	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	254.20	(P-5322)	n
250.225	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	254.30	(P-5322)	n
250.230	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	254.40	(P-5322)	n
250.232	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	254.50	(P-5322)	n
250.233	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	254.60	(P-5322)	n
250.235	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	254.70	(P-5322)	n
250.245	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	254.80	(P-5322)	n
250.250	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	254.90	(P-5322)	n
250.260	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	255.00	(P-5322)	n
250.265	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	255.10	(P-5322)	n
250.270	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	255.20	(P-5322)	n
250.280	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	255.30	(P-5322)	n
250.290	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	255.40	(P-5322)	n
250.300	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	255.50	(P-5322)	n
250.315	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	255.60	(P-5322)	n
250.320	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	255.70	(P-5322)	n
250.330	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	255.80	(P-5322)	n
250.340	(P-5322)	n	100.300	(P-17589/89; A-13440)	am	255.90	(P-5322)	n

TITLE 50 (CONT'D)		TITLE 56		TITLE 56 (CONT'D)		TITLE 59	
8100.1704	n	8100.3000	n	2650.50	am	2650.50	am
8100.1705	n	100.5	#	2650.110	am	2650.110	am
8100.1706	n	100.5	am	2650.130	am	2650.130	am
8100.1708	n	100.10	am	2650.140	am	2650.140	am
8100.1710	n	100.20	#	2650.210	n	2650.210	n
8100.1712	n	100.22	n	2650.220	n	2650.220	n
8100.1714	n	100.24	n	2650.230	n	2650.230	n
8100.1716	n	100.26	n	2650.240	n	2650.240	n
8100.1718	n	100.30	am	2650.250	n	2650.250	n
8100.1720	n	100.60	am	2720.125	r	2720.125	r
8100.1722	n	100.100	am	2720.126	r	2720.126	r
8100.1724	n	100.120	am	2720.127	r	2720.127	r
8100.1726	n	350.20	am	2720.128	r	2720.128	r
8100.1728	n	350.195	am	2720.129	am	2720.129	am
8100.1730	n	350.280	am	2720.255	am	2720.255	am
8100.1732	n	350.300	n	2725.100	am	2725.100	am
8100.1734	n	350.310	n	2732.200	n	2732.200	n
8100.1736	n	350.320	n	2765.18	n	2765.18	n
8100.1738	n	350.330	n	2765.50	am	2765.50	am
8100.1740	n	350.340	n	2765.66	n	2765.66	n
8100.1742	n	350.350	n	2765.210	n	2765.210	n
8100.1744	n	350.360	n	2765.325	am	2765.325	am
8100.1746	n	350.370	n	2770.110	am	2770.110	am
8100.1748	n	350.380	n	2770.150	r	2770.150	r
8100.1750	n	350.390	n	2770.155	r	2770.155	r
8100.1752	n	350.400	n	2770.160	r	2770.160	r
8100.1754	n	350.410	n	2770.165	r	2770.165	r
8100.1756	n	350.420	n	2770.170	r	2770.170	r
8100.1758	n	350.430	n	2830.10	n	2830.10	n
8100.1760	n	350.440	n	2830.300	n	2830.300	n
8100.1762	n	350.450	n	2830.305	n	2830.305	n
8100.1764	n	2610.60	am	2830.310	n	2830.310	n
8100.1766	n	2610.100	am	2830.315	n	2830.315	n
8100.1768	n	2610.130	am	2830.320	n	2830.320	n
8100.1770	n	2610.150	am	2830.325	n	2830.325	n
8100.1772	n	2610.170	am	2830.330	n	2830.330	n
8100.1774	n	2610.190	am	2830.335	n	2830.335	n
8100.1776	n	2610.210	am	2830.340	n	2830.340	n
8100.1778	n	2610.230	am	2865.1	n	2865.1	n
8100.1780	n	2610.250	am	2865.100	n	2865.100	n
8100.1782	n	2610.270	am	2865.105	n	2865.105	n
8100.1784	n	2610.290	am	2865.110	n	2865.110	n
8100.1786	n	2610.310	am	2865.115	n	2865.115	n
8100.1788	n	2610.330	am	2865.120	n	2865.120	n
8100.1790	n	2610.350	am	2865.125	n	2865.125	n
8100.1792	n	2610.370	am	2865.130	n	2865.130	n
8100.1794	n	2610.390	am	2865.135	n	2865.135	n
8100.1796	n	2610.410	am	2865.140	n	2865.140	n
8100.1798	n	2610.430	am	2865.145	n	2865.145	n
8100.1800	n	2610.450	am	2865.150	n	2865.150	n
8100.1802	n	2610.470	am	2865.155	n	2865.155	n
8100.1804	n	2610.490	am	2865.160	n	2865.160	n
8100.1806	n	2610.510	am	2865.165	n	2865.165	n
8100.1808	n	2610.530	am	2865.170	n	2865.170	n
8100.1810	n	2610.550	am	2865.175	n	2865.175	n
8100.1812	n	2610.570	am	2865.180	n	2865.180	n
8100.1814	n	2610.590	am	2865.185	n	2865.185	n
8100.1816	n	2610.610	am	2865.190	n	2865.190	n
8100.1818	n	2610.630	am	2865.195	n	2865.195	n
8100.1820	n	2610.650	am	2865.200	n	2865.200	n
8100.1822	n	2610.670	am	2865.205	n	2865.205	n
8100.1824	n	2610.690	am	2865.210	n	2865.210	n
8100.1826	n	2610.710	am	2865.215	n	2865.215	n
8100.1828	n	2610.730	am	2865.220	n	2865.220	n
8100.1830	n	2610.750	am	2865.225	n	2865.225	n
8100.1832	n	2610.770	am	2865.230	n	2865.230	n
8100.1834	n	2610.790	am	2865.235	n	2865.235	n
8100.1836	n	2610.810	am	2865.240	n	2865.240	n
8100.1838	n	2610.830	am	2865.245	n	2865.245	n
8100.1840	n	2610.850	am	2865.250	n	2865.250	n
8100.1842	n	2610.870	am	2865.255	n	2865.255	n
8100.1844	n	2610.890	am	2865.260	n	2865.260	n
8100.1846	n	2610.910	am	2865.265	n	2865.265	n
8100.1848	n	2610.930	am	2865.270	n	2865.270	n
8100.1850	n	2610.950	am	2865.275	n	2865.275	n
8100.1852	n	2610.970	am	2865.280	n	2865.280	n
8100.1854	n	2610.990	am	2865.285	n	2865.285	n
8100.1856	n	2610.101	am	2865.290	n	2865.290	n
8100.1858	n	2610.103	am	2865.295	n	2865.295	n
8100.1860	n	2610.105	am	2865.300	n	2865.300	n
8100.1862	n	2610.107	am	2865.305	n	2865.305	n
8100.1864	n	2610.109	am	2865.310	n	2865.310	n
8100.1866	n	2610.111	am	2865.315	n	2865.315	n
8100.1868	n	2610.113	am	2865.320	n	2865.320	n
8100.1870	n	2610.115	am	2865.325	n	2865.325	n
8100.1872	n	2610.117	am	2865.330	n	2865.330	n
8100.1874	n	2610.119	am	2865.335	n	2865.335	n
8100.1876	n	2610.121	am	2865.340	n	2865.340	n
8100.1878	n	2610.123	am	2865.345	n	2865.345	n
8100.1880	n	2610.125	am	2865.350	n	2865.350	n
8100.1882	n	2610.127	am	2865.355	n	2865.355	n
8100.1884	n	2610.129	am	2865.360	n	2865.360	n
8100.1886	n	2610.131	am	2865.365	n	2865.365	n
8100.1888	n	2610.133	am	2865.370	n	2865.370	n
8100.1890	n	2610.135	am	2865.375	n	2865.375	n
8100.1892	n	2610.137	am	2865.380	n	2865.380	n
8100.1894	n	2610.139	am	2865.385	n	2865.385	n
8100.1896	n	2610.141	am	2865.390	n	2865.390	n
8100.1898	n	2610.143	am	2865.395	n	2865.395	n
8100.1900	n	2610.145	am	2865.400	n	2865.400	n
8100.1902	n	2610.147	am	2865.405	n	2865.405	n
8100.1904	n	2610.149	am	2865.410	n	2865.410	n
8100.1906	n	2610.151	am	2865.415	n	2865.415	n
8100.1908	n	2610.153	am	2865.420	n	2865.420	n
8100.1910	n	2610.155	am	2865.425	n	2865.425	n
8100.1912	n	2610.157	am	2865.430	n	2865.430	n
8100.1914	n	2610.159	am	2865.435	n	2865.435	n
8100.1916	n	2610.161	am	2865.440	n	2865.440	n
8100.1918	n	2610.163	am	2865.445	n	2865.445	n
8100.1920	n	2610.165	am	2865.450	n	2865.450	n
8100.1922	n	2610.167	am	2865.455	n	2865.455	n
8100.1924	n	2610.169	am	2865.460	n	2865.460	n
8100.1926	n	2610.171	am	2865.465	n	2865.465	n
8100.1928	n	2610.173	am	2865.470	n	2865.470	n
8100.1930	n	2610.175	am	2865.475	n	2865.475	n
8100.1932	n	2610.177	am	2865.480	n	2865.480	n
8100.1934	n	2610.179	am	2865.485	n	2865.485	n
8100.1936	n	2610.181	am	2865.490	n	2865.490	n
8100.1938	n	2610.183	am	2865.495	n	2865.495	n
8100.1940	n	2610.185	am	2865.500	n	2865.500	n
8100.1942	n	2610.187	am	2865.505	n	2865.505	n
8100.1944	n	2610.189	am	2865.510	n	2865.510	n
8100.1946	n	2610.191	am	2865.515	n	2865.515	n
8100.1948	n	2610.193	am	2865.520	n	2865.520	n
8100.1950	n	2610.195	am	2865.525	n	2865.525	n
8100.1952	n	2610.197	am	2865.530	n	2865.530	n
8100.1954	n	2610.199	am	2865.535	n	2865.535	n
8100.1956	n	2610.201	am	2865.540	n	2865.540	n
8100.1958	n	2610.203	am	2865.545	n	2865.545	n
8100.1960	n	2610.205	am	2865.550	n	2865.550	n
8100.1962	n	2610.207	am	2865.555	n	2865.555	n
8100.1964	n	2610.209	am	2865.560	n	2865.560	n
8100.1966	n	2610.211	am	2865.565	n	2865.565	n
8100.1968	n	2610.213	am	2865.570	n	2865.570	n
8100.1970	n	2610.215	am	2865.575	n	2865.575	n
8100.1972	n	2610.217	am	2865.580	n	2865.580	n
8100.1974	n	2610.219	am	2865.585	n	2865.585	n
8100.1976	n	2610.221	am	2865.590	n	2865.590	n
8100.1978	n	2610.223	am	2865.595	n	2865.595	n
8100.1980	n	2610.225	am	2865.600	n	2865.600	n
8100.1982	n	2610.227	am	2865.605	n	2865.605	n
8100.1984	n	2610.229	am	2865.610	n	2865.610	n
8100.1986	n	2610.231	am	2865.615	n	2865.615	n
8100.1988	n	2610.233	am	2865.620	n	2865.620	n
8100.1990	n	2610.235	am	2865.625	n	2865.625	n
8100.1992	n	2610.237	am	2865.630	n	2865.630	n
8100.1994	n	2610.239	am	2865.635	n	2865.635	n
8100.1996	n	2610.241	am	2865.640	n	2865.640	n
8100.1998	n	2610.243	am	2865.645	n	2865.645	n
8100.2000	n	2610.245	am	2865.650	n	2865.650	n
8100.2002	n	2610.247	am	2865.655	n	2865.655	n
8100.2004	n	2610.249	am	2865.660	n	2865.660	n
8100.2006	n	2610.251	am	2865.665	n	2865.665	n
8100.2008	n	2610.253	am	2865.670	n	2865.670	n
8100.2010	n	2610.255	am	2865.675	n	2865.675	n
8100.2012	n	2610.257	am	2865.680	n	2865.680	n
8100.2014	n	2610.259	am	2865.685	n		

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SECTIONS AFFECTED INDEX

TITLE 59 (CONT'D)			TITLE 62 (CONT'D)		
117.320	(P-14671) (E-14987)	n	(P-13377/89; W-3696)	240.801	(P-18061/89; A-3503)
117.325	(P-14671) (E-14987)	n	(P-13377/89; W-3696)	240.370	(A-3053)
117.330	(P-14671) (E-14987)	n	(P-13377/89; W-3696)	240.510	(A-3053)
117.335	(P-14671) (E-14987)	n	(P-13377/89; W-3696)	240.520	(A-3053)
117.340	(P-14671) (E-14987)	n	(P-13377/89; W-3696)	240.530	(A-3053)
117.345	(P-14671) (E-14987)	n	(P-13377/89; W-3696)	240.540	(A-3053)
117.350	(P-14671) (E-14987)	n	(P-13377/89; W-3696)	240.610	(A-3053)
117.355	(P-14671) (E-14987)	n	(P-13377/89; W-3696)	240.620	(A-3053)
117.Ap.A	(P-14671) (E-14987)	am	(P-1708)	240.630	(A-3053)
II.A	(P-14671) (E-14987)	am	(P-1708)	240.640	(A-3053)
II.B	(P-14671) (E-14987)	am	(P-1708)	240.650	(P-3394; A-13620)
II.B	(P-14671) (E-14987)	am	(P-1708)	240.660	(P-3053)
II.C	(P-14671) (E-14987)	am	(P-1708)	240.655	(P-3053)
II.D	(P-14671) (E-14987)	n	(P-18061/89; A-3503)	240.650	(P-3053)
II.E	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.720	(P-3053)
119.100	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.730	(A-3053)
119.105	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.740	(A-3053)
119.110	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.750	(A-3053)
119.115	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.905	(A-3053)
119.120	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.908	(A-3053)
119.125	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.910	(A-3053)
119.130	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.920	(A-3053)
119.135	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.930	(A-3053)
119.140	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.940	(A-3053)
119.145	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.950	(A-3053)
119.150	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.960	(A-3053)
119.155	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.970	(A-3053)
119.160	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.980	(A-3053)
119.165	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.990	(A-3053)
119.170	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1105	(P-10288; C-11410)
119.175	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1110	(P-10288; C-11410)
119.180	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1115	(P-10288; C-11410)
119.185	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1120	(P-10288; C-11410)
119.190	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1125	(P-10288; C-11410)
119.195	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1130	(P-10288; C-11410)
119.200	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1135	(P-10288; C-11410)
119.205	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1140	(P-10288; C-11410)
119.210	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1145	(P-10288; C-11410)
119.215	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1150	(P-10288; C-11410)
119.220	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1155	(P-10288; C-11410)
119.225	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1160	(P-10288; C-11410)
119.230	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1165	(P-10288; C-11410)
119.235	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1170	(P-10288; C-11410)
119.240	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1175	(P-10288; C-11410)
119.245	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1180	(P-10288; C-11410)
119.250	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1185	(P-10288; C-11410)
119.255	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1190	(P-10288; C-11410)
119.260	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1195	(P-10288; C-11410)
119.265	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1200	(P-10288; C-11410)
119.270	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1205	(P-10288; C-11410)
119.275	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1210	(P-10288; C-11410)
119.280	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1215	(P-10288; C-11410)
119.285	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1220	(P-10288; C-11410)
119.290	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1225	(P-10288; C-11410)
119.295	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1230	(P-10288; C-11410)
119.300	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1235	(P-10288; C-11410)
119.305	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1240	(P-10288; C-11410)
119.310	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1245	(P-10288; C-11410)
119.315	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1250	(P-10288; C-11410)
119.320	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1255	(P-10288; C-11410)
119.325	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1260	(P-10288; C-11410)
119.330	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1265	(P-10288; C-11410)
119.335	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1270	(P-10288; C-11410)
119.340	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1275	(P-10288; C-11410)
119.345	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1280	(P-10288; C-11410)
119.350	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1285	(P-10288; C-11410)
119.355	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1290	(P-10288; C-11410)
119.360	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1295	(P-10288; C-11410)
119.365	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1300	(P-10288; C-11410)
119.370	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1305	(P-10288; C-11410)
119.375	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1310	(P-10288; C-11410)
119.380	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1315	(P-10288; C-11410)
119.385	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1320	(P-10288; C-11410)
119.390	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1325	(P-10288; C-11410)
119.395	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1330	(P-10288; C-11410)
119.400	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1335	(P-10288; C-11410)
119.405	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1340	(P-10288; C-11410)
119.410	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1345	(P-10288; C-11410)
119.415	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1350	(P-10288; C-11410)
119.420	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1355	(P-10288; C-11410)
119.425	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1360	(P-10288; C-11410)
119.430	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1365	(P-10288; C-11410)
119.435	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1370	(P-10288; C-11410)
119.440	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1375	(P-10288; C-11410)
119.445	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1380	(P-10288; C-11410)
119.450	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1385	(P-10288; C-11410)
119.455	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1390	(P-10288; C-11410)
119.460	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1395	(P-10288; C-11410)
119.465	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1400	(P-10288; C-11410)
119.470	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1405	(P-10288; C-11410)
119.475	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1410	(P-10288; C-11410)
119.480	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1415	(P-10288; C-11410)
119.485	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1420	(P-10288; C-11410)
119.490	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1425	(P-10288; C-11410)
119.495	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1430	(P-10288; C-11410)
119.500	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1435	(P-10288; C-11410)
119.505	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1440	(P-10288; C-11410)
119.510	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1445	(P-10288; C-11410)
119.515	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1450	(P-10288; C-11410)
119.520	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1455	(P-10288; C-11410)
119.525	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1460	(P-10288; C-11410)
119.530	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1465	(P-10288; C-11410)
119.535	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1470	(P-10288; C-11410)
119.540	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1475	(P-10288; C-11410)
119.545	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1480	(P-10288; C-11410)
119.550	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1485	(P-10288; C-11410)
119.555	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1490	(P-10288; C-11410)
119.560	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1495	(P-10288; C-11410)
119.565	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1500	(P-10288; C-11410)
119.570	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1505	(P-10288; C-11410)
119.575	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1510	(P-10288; C-11410)
119.580	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1515	(P-10288; C-11410)
119.585	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1520	(P-10288; C-11410)
119.590	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1525	(P-10288; C-11410)
119.595	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1530	(P-10288; C-11410)
119.600	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1535	(P-10288; C-11410)
119.605	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1540	(P-10288; C-11410)
119.610	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1545	(P-10288; C-11410)
119.615	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1550	(P-10288; C-11410)
119.620	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1555	(P-10288; C-11410)
119.625	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1560	(P-10288; C-11410)
119.630	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1565	(P-10288; C-11410)
119.635	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1570	(P-10288; C-11410)
119.640	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1575	(P-10288; C-11410)
119.645	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1580	(P-10288; C-11410)
119.650	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1585	(P-10288; C-11410)
119.655	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1590	(P-10288; C-11410)
119.660	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1595	(P-10288; C-11410)
119.665	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1600	(P-10288; C-11410)
119.670	(P-13377/89; W-3696)	n	(P-18061/89; A-3503)	240.1605	

TITLE 62 (CONT'D)

690.260

n

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1380.220

am

(P-7346)

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TITLE 68 (CONT'D)

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TITLE 77 (CONT'D)		630.25		630.30		630.35		630.40		630.45		630.50		630.55		630.60		630.65		630.70		630.75		630.80		630.85		630.90		630.95		631.00		631.05		631.10		631.15		631.20		631.25		631.30		631.35		631.40		631.45		631.50		631.55		631.60		631.65		631.70		631.75		631.80		631.85		631.90		631.95		632.00		632.05		632.10		632.15		632.20		632.25		632.30		632.35		632.40		632.45		632.50		632.55		632.60		632.65		632.70		632.75		632.80		632.85		632.90		632.95		633.00		633.05		633.10		633.15		633.20		633.25		633.30		633.35		633.40		633.45		633.50		633.55		633.60		633.65		633.70		633.75		633.80		633.85		633.90		633.95		634.00		634.05		634.10		634.15		634.20		634.25		634.30		634.35		634.40		634.45		634.50		634.55		634.60		634.65		634.70		634.75		634.80		634.85		634.90		634.95		635.00		635.05		635.10		635.15		635.20		635.25		635.30		635.35		635.40		635.45		635.50		635.55		635.60		635.65		635.70		635.75		635.80		635.85		635.90		635.95		636.00		636.05		636.10		636.15		636.20		636.25		636.30		636.35		636.40		636.45		636.50		636.55		636.60		636.65		636.70		636.75		636.80		636.85		636.90		636.95		637.00		637.05		637.10		637.15		637.20		637.25		637.30		637.35		637.40		637.45		637.50		637.55		637.60		637.65		637.70		637.75		637.80		637.85		637.90		637.95		638.00		638.05		638.10		638.15		638.20		638.25		638.30		638.35		638.40		638.45		638.50		638.55		638.60		638.65		638.70		638.75		638.80		638.85		638.90		638.95		639.00		639.05		639.10		639.15		639.20		639.25		639.30		639.35		639.40		639.45		639.50		639.55		639.60		639.65		639.70		639.75		639.80		639.85		639.90		639.95		640.00		640.05		640.10		640.15		640.20		640.25		640.30		640.35		640.40		640.45		640.50		640.55		640.60		640.65		640.70		640.75		640.80		640.85		640.90		640.95		641.00		641.05		641.10		641.15		641.20		641.25		641.30		641.35		641.40		641.45		641.50		641.55		641.60		641.65		641.70		641.75		641.80		641.85		641.90		641.95		642.00		642.05		642.10		642.15		642.20		642.25		642.30		642.35		642.40		642.45		642.50		642.55		642.60		642.65		642.70		642.75		642.80		642.85		642.90		642.95		643.00		643.05		643.10		643.15		643.20		643.25		643.30		643.35		643.40		643.45		643.50		643.55		643.60		643.65		643.70		643.75		643.80		643.85		643.90		643.95		644.00		644.05		644.10		644.15		644.20		644.25		644.30		644.35		644.40		644.45		644.50		644.55		644.60		644.65		644.70		644.75		644.80		644.85		644.90		644.95		645.00		645.05		645.10		645.15		645.20		645.25		645.30		645.35		645.40		645.45		645.50		645.55		645.60		645.65		645.70		645.75		645.80		645.85		645.90		645.95		646.00		646.05		646.10		646.15		646.20		646.25		646.30		646.35		646.40		646.45		646.50		646.55		646.60		646.65		646.70		646.75		646.80		646.85		646.90		646.95		647.00		647.05		647.10		647.15		647.20		647.25		647.30		647.35		647.40		647.45		647.50		647.55		647.60		647.65		647.70		647.75		647.80		647.85		647.90		647.95		648.00		648.05		648.10		648.15		648.20		648.25		648.30		648.35		648.40		648.45		648.50		648.55		648.60		648.65		648.70		648.75		648.80		648.85		648.90		648.95		649.00		649.05		649.10		649.15		649.20		649.25		649.30		649.35		649.40		649.45		649.50		649.55		649.60		649.65		649.70		649.75		649.80		649.85		649.90		649.95		650.00		650.05		650.10		650.15		650.20		650.25		650.30		650.35		650.40		650.45		650.50		650.55		650.60		650.65		650.70		650.75		650.80		650.85		650.90		650.95		651.00		651.05		651.10		651.15		651.20		651.25		651.30		651.35		651.40		651.45		651.50		651.55		651.60		651.65		651.70		651.75		651.80		651.85		651.90		651.95		652.00		652.05		652.10		652.15		652.20		652.25		652.30		652.35		652.40		652.45		652.50		652.55		652.60		652.65		652.70		652.75		652.80		652.85		652.90		652.95		653.00		653.05		653.10		653.15		653.20		653.25		653.30		653.35		653.40		653.45		653.50		653.55		653.60		653.65		653.70		653.75		653.80		653.85		653.90		653.95		654.00		654.05		654.10		654.15		654.20		654.25		654.30		654.35		654.40		654.45		654.50		654.55		654.60		654.65		654.70		654.75		654.80		654.85		654.90		654.95		655.00		655.05		655.10		655.15		655.20		655.25		655.30		655.35		655.40		655.45		655.50		655.55		655.60		655.65		655.70		655.75		655.80		655.85		655.90		655.95		656.00		656.05		656.10		656.15		656.20		656.25		656.30		656.35		656.40		656.45		656.50		656.55		656.60		656.65		656.70		656.75		656.80		656.85		656.90		656.95		657.00		657.05		657.10		657.15		657.20		657.25		657.30		657.35		657.40		657.45		657.50		657.55		657.60		657.65		657.70		657.75		657.80		657.85		657.90		657.95		658.00		658.05		658.10		658.15		658.20		658.25		658.30		658.35		658.40		658.45		658.50		658.55		658.60		658.65		658.70		658.75		658.80		658.85		658.90		658.95		659.00		659.05		659.10		659.15		659.20		659.25		659.30		659.35		659.40		659.45		659.50		659.55		659.60		659.65		659.70		659.75		659.80		659.85		659.90		659.95		660.00		660.05		660.10		660.15		660.20		660.25		660.30		660.35		660.40		660.45		660.50		660.55		660.60		660.65		660.70		660.75		660.80		660.85		660.90		660.95		661.00		661.05		661.10		661.15		661.20		661.25		661.30		661.35		661.40		661.45		661.50		661.55		661.60		661.65		661.70		661.75		661.80		661.85		661.90		661.95		662.00		662.05		662.10		662.15		662.20		662.25		662.30		662.35		662.40		662.45		662.50		662.55		662.60		662.65		662.70		662.75		662.80		662.85		662.90		662.95		663.00		663.05		663.10		663.15		663.20		663.25		663.30		663.35		663.40		663.45		663.50		663.55		663.60		663.65		663.70		663.75		663.80		663.85		663.90		663.95		664.00		664.05		664.10		664.15		664.20		664.25		664.30		664.35		664.40		664.45		664.50		664.55		664.60		664.65		664.70		664.75		664.80		664.85		664.90		664.95		665.00		665.05		665.10		665.15		665.20		665.25		665.30		665.35		665.40		665.45		665.50		665.55		665.60		665.65		665.70		665.75		665.80		665.85		665.90		665.95		666.00		666.05		666.10		666.15		666.20		666.25		666.30		666.35		666.40		666.45		666.50		666.55		666.60		666.65		666.70		666.75		666.80		666.85		666.90		666.95		667.00		667.05		667.10		667.15		667.20		667.25		667.30		667.35		667.40		667.45		667.50		667.55		667.60		667.65		667.70		667.75		667.80		667.85		667.90		667.95		668.00		668.05		668.10		668.15		668.20		668.25		668.30		668.35		668.40		668.45		668.50		668.55		668.60		668.65		668.70		668.75		668.80		668.85		668.90		668.95		669.00		669.05		669.10		669.15		669.20		669.25		669.30		669.35		669.40		669.45		669.50		669.55		669.60		669.65		669.70		669.75		669.80		669.85		669.90		669.95		670.00		670.05		670.10		670.15		670.20		670.25		670.30		670.35		670.40		670.45		670.50		670.55		670.60		670.65		670.70		670.75		670.80		670.85		670.90		670.95		671.00		671.05		671.10		671.15		671.20		671.25		671.30		671.35		671.40		671.45		671.50		671.55		671.60		671.65		671.70		671.75		671.80		671.85		671.90		671.95		672.00		672.05		672.10		672.15		672.20		672.25		672.30		672.35		672.40		672.45		672.50		672.55		672.60		672.65		672.70		672.75		672.80		672.85		672.90		672.95		673.00		673.05		673.10		673.15		673.20		673.25		673.30		673.35		673.40		673.45		673.50		673.55		673.60		673.65		673.70		673.75		673.80		673.85		673.90		673.95		674.00		674.05		674.10		674.15		674.20		674.25		674.30		674.35	
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TITLE 77 (CONT'D)					
640.60	r	(P-2413/89; A-12747)	672.520	n	(P-11132)
640.60	n	(P-12433/89; A-12749)	672.525	n	(P-11132)
640.70	r	(P-2413/89; A-12747)	672.600	n	(P-11132)
640.70	n	(P-12433/89; A-12749)	672.605	n	(P-11132)
640.80	r	(P-2413/89; A-12747)	672.610	n	(P-11132)
640.80	n	(P-12433/89; A-12749)	672.615	n	(P-11132)
640.80	n	(P-12433/89; A-12749)	672.620	n	(P-11132)
640.100	n	(P-12433/89; A-12749)	672.625	n	(P-11132)
640.Ap.A	n	(P-12433/89; A-12749)	672.630	n	(P-11132)
640.Ap.B	n	(P-12433/89; A-12749)	672.635	n	(P-11132)
640.Ap.C	n	(P-12433/89; A-12749)	672.640	n	(P-11132)
640.Ex.A	n	(P-12433/89; A-12749)	672.645	n	(P-11132)
640.Ex.B	n	(P-12433/89; A-12749)	672.650	n	(P-11132)
640.Ap.D	n	(P-12433/89; A-12749)	672.655	n	(P-11132)
640.Ex.A	n	(P-12433/89; A-12749)	672.660	n	(P-11132)
640.Ex.B	n	(P-12433/89; A-12749)	672.665	n	(P-11132)
640.Ex.C	n	(P-12433/89; A-12749)	672.670	n	(P-11132)
640.Ap.E	n	(P-12433/89; A-12749)	672.Ap.A	n	(P-11132)
640.Ex.A	n	(P-12433/89; A-12749)	682.100	ann	(P-19185/89; A-10447)
640.Ex.B	n	(P-12433/89; A-12749)	682.105	ann	(P-19185/89; A-10447)
640.Ap.F	n	(P-12433/89; A-12749)	682.110	ann	(P-19185/89; A-10447)
640.Ex.A	n	(P-12433/89; A-12749)	682.120	ann	(P-19185/89; A-10447)
640.Ex.B	n	(P-12433/89; A-12749)	682.140	ann	(P-19185/89; A-10447)
640.Ap.G	n	(P-12433/89; A-12749)	682.150	ann	(P-19185/89; A-10447)
640.Ap.H	n	(P-12433/89; A-12749)	682.160	ann	(P-19185/89; A-10447)
640.Ex.A	n	(P-12433/89; A-12749)	682.180	ann	(P-19185/89; A-10447)
640.Ex.B	n	(P-12433/89; A-12749)	682.190	ann	(P-19185/89; A-10447)
640.Ex.C	n	(P-12433/89; A-12749)	682.200	ann	(P-19185/89; A-10447)
640.Ex.D	n	(P-12433/89; A-12749)	682.210	ann	(P-19185/89; A-10447)
640.Ap.I	n	(P-12433/89; A-12749)	682.220	ann	(P-19185/89; A-10447)
661.70	ann	(P-4443; A-13292)	682.230	ann	(P-19185/89; A-10447)
665.240	ann	(P-5446; A-14543) (E-5617)	682.240	ann	(P-19185/89; A-10447)
672.100	n	(P-11132)	682.250	ann	(P-19185/89; A-10447)
672.105	n	(P-11132)	682.260	ann	(P-19185/89; A-10447)
672.110	n	(P-11132)	682.320	ann	(P-19185/89; A-10447)
672.115	n	(P-11132)	682.330	ann	(P-19185/89; A-10447)
672.200	n	(P-11132)	682.350	ann	(P-19185/89; A-10447)
672.205	n	(P-11132)	682.410	ann	(P-19185/89; A-10447)
672.210	n	(P-11132)	682.420	ann	(P-19185/89; A-10447)
672.215	n	(P-11132)	682.440	ann	(P-19185/89; A-10447)
672.220	n	(P-11132)	682.450	ann	(P-19185/89; A-10447)
672.225	n	(P-11132)	682.500	ann	(P-19185/89; A-10447)
672.300	n	(P-11132)	682.510	ann	(P-19185/89; A-10447)
672.305	n	(P-11132)	682.610	ann	(P-19185/89; A-10447)
672.310	n	(P-11132)	682.620	ann	(P-19185/89; A-10447)
672.315	n	(P-11132)	682.Ap.A	ann	(P-19185/89; A-10447)
672.400	n	(P-11132)	682.Ap.B	ann	(P-19185/89; A-10447)
672.405	n	(P-11132)	682.Ap.C	ann	(P-19185/89; A-10447)
672.410	n	(P-11132)	682.Ap.D	ann	(P-19185/89; A-10447)
672.415	n	(P-11132)	682.Ap.E	ann	(P-19185/89; A-10447)
672.420	n	(P-11132)	682.Ap.F	ann	(P-19185/89; A-10447)
672.425	n	(P-11132)	682.Ap.G	ann	(P-19185/89; A-10447)
672.430	n	(P-11132)	682.Ap.H	ann	(P-19185/89; A-10447)
672.435	n	(P-11132)	682.Ap.I	ann	(P-19185/89; A-10447)
672.440	n	(P-11132)	682.Ap.J	ann	(P-19185/89; A-10447)
672.445	n	(P-11132)	694.10	n	(P-19185/89; A-10447)
672.450	n	(P-11132)			RC-15892/89; M-20136/89; A-1609)
672.455	n	(P-11132)	694.20	n	(P-5491/89; O-15888/89; A-1609)
672.460	n	(P-11132)			RC-15892/89; M-20136/89; A-1609)
672.465	n	(P-11132)	694.20	ann	(P-5448; A-14551)
672.500	n	(P-11132)			
672.505	n	(P-11132)			
672.510	n	(P-11132)			
672.515	n	(P-11132)			

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VOL. 14, ISSUE #39		SECTIONS AFFECTED INDEX	SEPTEMBER 28, 1990		
TITLE 27 (CONT'D)					
790.3340	am	(P-1220; A-8154) (E-1505)	790.5620	am	(P-16910/89; A-3184) (P-4437; A-11988) (E-4620) (E-9556) (P-9357)
790.3350	n	(E-9556) (P-9357)	790.5720	am	(P-16910/89; A-3184)
790.3420	am	(P-16910/89; A-3184)	790.5740	am	(P-16910/89; A-3184) (E-4620)
790.3437	am	(P-1220; A-8154) (E-1505)	790.5792	am	(P-13133) (E-13325)
790.3440	am	(E-9556) (P-9357)	790.5820	am	(P-4437; A-11988) (E-4620)
790.3492	am	(P-16910/89; A-3184)	790.5830	am	(E-9556) (P-9357)
790.3540	am	(P-4437; A-11988) (E-4620)	790.5837	r	(P-1220; A-8154) (E-1505)
790.3620	am	(P-4437; A-11988) (E-4620)	790.5860	am	(P-1220; A-8154) (E-1505)
790.3742	am	(P-16910/89; A-3184) (E-9556) (P-9357)	790.5872	am	(P-16910/89; A-3184) (P-4437; A-11988) (E-4620)
790.3904	n	(P-4437; A-11988) (E-4620)	790.5900	am	(P-11988) (E-4620)
790.3910	am	(P-13133) (E-13325)	790.5940	am	(P-4437; A-11988) (E-4620)
790.3914	n	(P-13133) (E-13325)	790.6140	am	(P-4437; A-11988) (E-4620)
790.3940	am	(P-4437; A-11988) (E-4620)	790.6180	am	(P-4437; A-11988) (E-4620)
790.4040	am	(P-4437; A-11988) (E-4620)	790.6275	am	(E-9556) (P-9357)
790.4060	am	(P-4437; A-11988) (E-4620)	790.6277	am	(P-16910/89; A-3184)
790.4140	am	(P-4437; A-11988) (E-4620)	790.6340	am	(E-9556) (P-9357)
790.4180	am	(P-4437; A-11988) (E-4620)	790.6370	am	(P-16910/89; A-3184)
790.4220	am	(P-4437; A-11988) (E-4620)	790.6435	am	(P-16910/89; A-3184) (E-9556) (P-9357)
790.4384	n	(P-4437; A-11988) (E-4620)	790.6452	am	(E-9556) (P-9357)
790.4396	am	(P-16910/89; A-3184) (P-4437; A-11988) (E-4620) (E-9556)	790.6456	am	(P-4437; A-11988) (E-4620)
790.4420	am	(E-9556) (P-9357)	790.6460	am	(E-9556) (P-9357)
790.4430	am	(P-4437; A-11988) (E-4620)	790.6500	am	(P-4437; A-11988) (E-4620)
790.4460	am	(E-9556) (P-9357)	790.6540	am	(P-4437; A-11988) (E-4620)
790.4580	am	(P-4437; A-11988) (E-4620)	790.6570	am	(P-4437; A-11988) (E-4620)
790.4660	am	(P-4437; A-11988) (E-4620)	790.6580	am	(P-16910/89; A-3184)
790.4665	am	(P-4437; A-11988) (E-4620)	790.6610	am	(P-4437; A-11988) (E-4620)
790.4667	n	(P-16910/89; A-3184)	790.6620	am	(P-16910/89; A-3184) (P-4437; A-11988) (E-4620)
790.4667	am	(P-4437; A-11988) (E-4620)	790.6621	r	(P-16910/89; A-3184)
790.4670	am	(P-11988) (E-4620)	790.6670	am	(P-4437; A-11988) (E-4620)
790.4680	am	(P-16910/89; A-3184)	790.6780	am	(P-1220; A-8154) (E-1505)
790.4700	am	(P-4437; A-11988) (E-4620)	790.6820	am	(P-4437; A-11988) (E-4620)
790.4720	am	(P-1220; A-8154) (E-1505)	790.6875	am	(P-13133) (E-13325)
790.4725	n	(P-4437; A-11988) (E-4620)	790.6895	am	(P-13133) (E-13325)
790.4728	n	(P-4437; A-11988) (E-4620)	790.6940	am	(P-4437; A-11988) (E-4620)
790.4740	am	(P-16910/89; A-3184) (E-9556) (P-9357)	790.6940	am	(P-4437; A-11988) (E-4620)
790.4860	am	(E-9556) (P-9357)	790.6980	am	(P-4437; A-11988) (E-4620)
790.4940	am	(E-9556) (P-9357)	790.7100	am	(P-4437; A-11988) (E-4620)
790.5020	am	(P-4437; A-11988) (E-4620)	790.7120	am	(P-4437; A-11988) (E-4620)
790.5060	am	(P-4437; A-11988) (E-4620)	790.7130	am	(P-4437; A-11988) (E-4620)
790.5100	am	(E-9556) (P-9357)	790.7140	am	(P-4437; A-11988) (E-4620)
790.5140	am	(P-4437; A-11988) (E-4620)	790.7160	n	(P-4437; A-11988) (E-4620)
790.5180	am	(E-9556) (P-9357)	790.7180	am	(P-4437; A-11988) (E-4620)
790.5220	am	(E-9556) (P-9357)	790.7229	am	(P-13133) (E-13325)
790.5300	am	(P-1220; A-8154) (E-1505)	790.7260	am	(P-4437; A-11988) (E-4620)
790.5312	am	(P-4437; A-11988) (E-4620)	790.7265	am	(E-9556) (P-9357)
790.5320	am	(E-9556) (P-9357) (P-13133)	790.7278	am	(P-16910/89; A-3184) (P-4437; A-11988) (E-4620)
790.5340	am	(P-4437; A-11988) (E-4620)	790.7278	am	(E-9556) (P-9357)
790.5420	am	(P-4437; A-11988) (E-4620)	790.7284	am	(P-4437; A-11988) (E-4620)
790.5500	am	(E-9556) (P-9357)			
790.5560	am	(P-4437; A-11988) (E-4620)			

TITLE 83 (CONT'D)		TITLE 86		TITLE 89	
445.50	n	(P-13129/89; A-626)	1000.160	r	(P-12756/89; A-681)
445.60	n	(P-13129/89; A-626)	1000.170	r	(P-12756/89; A-681)
445.70	n	(P-13129/89; A-626)			
445.80	n	(P-13129/89; A-626)			
500.335	am	(P-16219/89; A-3463)	100.3250	am	(P-18188/89; A-6810)
505.10	am	(P-13361/89; A-16058)	100.7550	r	(P-17312/89; A-4558)
505.10	am	(P-19344/89; A-10018)	100.7560	r	(P-17312/89; A-4558)
710.1	am	(P-1552; A-10021)	100.7570	r	(P-17312/89; A-4558)
755.10	am	(P-15157/89; A-3042)	100.7580	r	(P-17312/89; A-4558)
755.210	am	(P-15157/89; A-3042)	100.7590	r	(P-17312/89; A-4558)
757.10	am	(P-2731)	100.7600	r	(P-17312/89; A-4558)
757.300	n	(P-2731)	100.7610	r	(P-17312/89; A-4558)
757.310	n	(P-2731)	100.7620	r	(P-17312/89; A-4558)
757.320	n	(P-2731)	100.7630	r	(P-17312/89; A-4558)
757.330	n	(P-2731)	100.7640	r	(P-17312/89; A-4558)
757.340	n	(P-2731)	100.7650	r	(P-17312/89; A-4558)
757.350	n	(P-2731)	100.7700	r	(P-17312/89; A-4558)
757.400	n	(P-2731)	100.7750	r	(P-17312/89; A-4558)
757.410	n	(P-2731)	100.7800	r	(P-17312/89; A-4558)
757 Ex.B	n	(P-2731)	100.9060	am	(P-19347/89; A-10082)
757 Ex.C	n	(P-2731)	100.9070	am	(P-19347/89; A-10082)
757 Ex.D	n	(P-2731)	100.9110	am	(P-19347/89; A-10082)
760.20	am	(P-13358/89; A-3037) (P-9631)	100.9130	am	(P-19347/89; A-10082)
760.50	am	(P-13100)	100.9140	am	(P-19347/89; A-10082)
780.5	n	(P-13100)	100.9900	am	(P-7090; A-16012)
780.20	n	(P-13100)	110.160	am	(P-14321)
780.30	n	(P-13100)	130.310	am	(P-8391/89; A-872)
780.30	n	(P-13100)	130.330	am	(P-22097/89; O-20410/89;
780 Ap.A	n	(P-13100)			M-411; A-241)
780 Ap.B	n	(P-13100)	130.1935	am	(P-14800/89; A-16028)
900.5	r	(P-12680/89; A-624)	130.1940	am	(P-7106; A-15463)
900.10	r	(P-12680/89; A-624)	130.1965	am	(P-22097/89; O-20410/89;
900.20	r	(P-12680/89; A-624)	130.2000	am	M-411; A-241)
900.30	r	(P-12680/89; A-624)			
900.40	r	(P-12680/89; A-624)	130.2075	am	(P-7106; A-15463)
900.50	r	(P-12680/89; A-624)	140.101	am	(P-10179/89; A-262)
900.60	r	(P-12680/89; A-624)	140.105	am	(P-10179/89; A-262)
900.70	r	(P-12680/89; A-624)	140.105	n	(P-10179/89; A-262)
900.80	r	(P-12680/89; A-624)	140.110	r	(P-10179/89; A-262)
900.90	r	(P-12680/89; A-624)	140.115	r	(P-10179/89; A-262)
900.100	r	(P-12680/89; A-624)	140.120	am	(P-10179/89; A-262)
900.110	r	(P-12680/89; A-624)	140.125	am	(P-10179/89; A-262)
900.120	r	(P-12680/89; A-624)	140.126	n	(P-10179/89; A-262)
900.130	r	(P-12680/89; A-624)	140.130	am	(P-10179/89; A-262)
900.140	r	(P-12680/89; A-624)	140.135	am	(P-10179/89; A-262)
900.150	r	(P-12680/89; A-624)	140.140	am	(P-10179/89; A-262)
900.160	r	(P-12680/89; A-624)	140.145	am	A-15480)
900.170	r	(P-12680/89; A-624)	140.201	am	(P-10179/89; A-262)
1000.5	r	(P-12756/89; A-681)	140.201	am	(P-10179/89; A-262)
1000.10	r	(P-12756/89; A-681)	140.301	am	(P-10179/89; A-262)
1000.20	r	(P-12756/89; A-681)	140.305	am	(P-10179/89; A-262

TITLE 89 (CONT'D)		TITLE 89 (CONT'D)	
112.366	n	114.502	n
112.400	n	114.504	n
112.402	n	114.506	n
112.404	n	114.510	n
112.406	n	114.512	n
112.408	n	114.514	n
112.410	n	114.516	n
112.412	n	114.518	n
112.414	n	115.10	am
112.416	n	115.30	am
112.418	n	116.510	am
113.9	am	116.520	am
113.140	am	117.20	am
113.141	am	117.50	am
113.154	am	117.51	am
113.155	n	117.53	am
113.251	am	118.300	#
113.253	am	118.300	#
113.260	am	118.400	am
113.261	n	120.10	am
113.303	am	120.11	am
114.9	am	120.20	am
114.85	n	120.30	am
114.130	am	120.31	am
114.140	r	120.60	am
114.210	am	120.61	am
114.235	am	120.62	am
114.241	am	120.63	am
114.250	am	120.64	am
114.251	am	120.70	am
114.270	am	120.72	am
114.351	am	120.74	am
114.352	am	120.76	am
114.421	am	120.208	am
114.450	n	120.235	am
114.452	n	120.281	am
114.454	n	120.284	am
114.456	n	120.285	am
114.458	n	120.308	am
114.460	n	120.335	am
114.462	n	120.370	am
114.464	n	120.379	am
114.466	n	120.384	am
114.468	n	120.385	am
114.470	n	120.386	am
114.472	n	120.390	am
114.474	n	120.391	am
114.476	n	121.10	am
114.478	n	121.19	am
114.480	n	121.22	am
114.482	n	121.23	am
114.484	n	121.27	am
114.486	n	121.31	am
114.488	n	121.50	am
114.490	n	121.60	am
114.492	n	121.61	am
114.494	n	121.63	am
114.496	n	121.64	am
114.498	n	121.70	am
114.500	n	121.72	am
114.502	n	121.92	am
114.504	n	130.200	am
114.506	n	130.321	am
114.508	n	140.7	am
114.510	n	140.24	am
114.512	n	140.40	am
114.514	n	140.413	am
114.516	n	140.420	am
114.518	n	140.421	am
114.520	n	140.428	am
114.522	n	140.429	am
114.524	n	140.435	am
114.526	n	140.436	am
114.528	n	140.461	am
114.530	n	140.462	am
114.532	n	140.463	am
114.534	n	140.471	am
114.536	n	140.472	am
114.538	n	140.473	am
114.540	n	140.474	am
114.542	n	140.475	am
114.544	n	140.476	am
114.546	n	140.477	am
114.548	n	140.478	am
114.550	n	140.479	am
114.552	n	140.480	am
114.554	n	140.481	am
114.556	n	140.482	am
114.558	n	140.483	am
114.560	n	140.484	am
114.562	n	140.485	am
114.564	n	140.486	am
114.566	n	140.487	am
114.568	n	140.488	am
114.570	n	140.489	am
114.572	n	140.490	am
114.574	n	140.491	am
114.576	n	140.492	am
114.578	n	140.493	am
114.580	n	140.494	am
114.582	n	140.495	am
114.584	n	140.496	am
114.586	n	140.497	am
114.588	n	140.498	am
114.590	n	140.499	am
114.592	n	140.500	am
114.594	n	140.501	am
114.596	n	140.502	am
114.598	n	140.503	am
114.600	n	140.504	am
114.602	n	140.505	am
114.604	n	140.506	am
114.606	n	140.507	am
114.608	n	140.508	am
114.610	n	140.509	am
114.612	n	140.510	am
114.614	n	140.511	am
114.616	n	140.512	am
114.618	n	140.513	am
114.620	n	140.514	am
114.622	n	140.515	am
114.624	n	140.516	am
114.626	n	140.517	am
114.628	n	140.518	am
114.630	n	140.519	am
114.632	n	140.520	am
114.634	n	140.521	am
114.636	n	140.522	am
114.638	n	140.523	am
114.640	n	140.524	am
114.642	n	140.525	am
114.644	n	140.526	am
114.646	n	140.527	am
114.648	n	140.528	am
114.650	n	140.529	am
114.652	n	140.530	am
114.654	n	140.531	am
114.656	n	140.532	am
114.658	n	140.533	am
114.660	n	140.534	am
114.662	n	140.535	am
114.664	n	140.536	am
114.666	n	140.537	am
114.668	n	140.538	am
114.670	n	140.539	am
114.672	n	140.540	am
114.674	n	140.541	am
114.676	n	140.542	am
114.678	n	140.543	am
114.680	n	140.544	am
114.682	n	140.545	am
114.684	n	140.546	am
114.686	n	140.547	am
114.688	n	140.548	am
114.690	n	140.549	am
114.692	n	140.550	am
114.694	n	140.551	am
114.696	n	140.552	am
114.698	n	140.553	am
114.700	n	140.554	am
114.702	n	140.555	am
114.704	n	140.556	am
114.706	n	140.557	am
114.708	n	140.558	am
114.710	n	140.559	am
114.712	n	140.560	am
114.714	n	140.561	am
114.716	n	140.562	am
114.718	n	140.563	am
114.720	n	140.564	am
114.722	n	140.565	am
114.724	n	140.566	am
114.726	n	140.567	am
114.728	n	140.568	am
114.730	n	140.569	am
114.732	n	140.570	am
114.734	n	140.571	am
114.736	n	140.572	am
114.738	n	140.573	am
114.740	n	140.574	am
114.742	n	140.575	am
114.744	n	140.576	am
114.746	n	140.577	am
114.748	n	140.578	am
114.750	n	140.579	am
114.752	n	140.580	am
114.754	n	140.581	am
114.756	n	140.582	am
114.758	n	140.583	am
114.760	n	140.584	am
114.762	n	140.585	am
114.764	n	140.586	am
114.766	n	140.587	am
114.768	n	140.588	am
114.770	n	140.589	am
114.772	n	140.590	am
114.774	n	140.591	am
114.776	n	140.592	am
114.778	n	140.593	am
114.780	n	140.594	am
114.782	n	140.595	am
114.784	n	140.596	am
114.786	n	140.597	am
114.788	n	140.598	am
114.790	n	140.599	am
114.792	n	140.600	am
114.794	n	140.601	am
114.796	n	140.602	am
114.798	n	140.603	am
114.800	n	140.604	am
114.802	n	140.605	am
114.804	n	140.606	am
114.806	n	140.607	am
114.808	n	140.608	am
114.810	n	140.609	am
114.812	n	140.610	am
114.814	n	140.611	am
114.816	n	140.612	am
114.818	n	140.613	am
114.820	n	140.614	am
114.822	n	140.615	am
114.824	n	140.616	am
114.826	n	140.617	am
114.828	n	140.618	am
114.830	n	140.619	am
114.832	n	140.620	am
114.834	n	140.621	am
114.836	n	140.622	am
114.838	n	140.623	am
114.840	n	140.624	am
114.842	n	140.625	am
114.844	n	140.626	am
114.846	n	140.627	am
114.848	n	140.628	am
114.850	n	140.629	am
114.852	n	140.630	am
114.854	n	140.631	am
114.856	n	140.632	am
114.858	n	140.633	am
114.860	n	140.634	am
114.862	n	140.635	am
114.864	n	140.636	am
114.866	n	140.637	am
114.868	n	140.638	am
114.870	n	140.639	am
114.872	n	140.640	am
114.874	n	140.641	am
114.876	n	140.642	am
114.878	n	140.643	am
114.880	n	140.644	am
114.882	n	140.645	am
114.884	n	140.646	am
114.886	n	140.647	am
114.888	n	140.648	am
114.890	n	140.649	am
114.892	n	140.650	am
114.894	n	140.651	am
114.896	n	140.652	am
114.898	n	140.653	am
114.900	n	140.654	am
114.902	n	140.655	am
114.904	n	140.656	am
114.906	n	140.657	am
114.908	n	140.658	am
114.910	n	140.659	am
114.912	n	140.660	am
114.914	n	140.661	am
114.916	n	140.662	am
114.918	n	140.663	am
114.920	n	140.664	am
114.922	n	140.665	am
114.924	n	140.666	am
114.926	n	140.667	am
114.928	n	140.668	am
114.930	n	140.669	am
114.932	n	140.670	am
114.934	n	140.671	am
114.936	n	140.672	am
114.938	n	140.673	am
114.940	n	140.674	am
114.942	n	140.675	am
114.944	n	140.676	am
114.946	n	140.677	am
114.948	n	140.678	am
114.950	n	140.679	am
114.952	n	140.680	am
114.954	n	140.681	am
114.956	n	140.682	am
114.958	n	140.683	am
114.960	n	140.684	am
114.962	n	140.685	am
114.964	n	140.686	am
114.966	n	140.687	am
114.968	n	140.688	am
114.970	n	140.689	am
114.972	n	140.690	am
114.974	n	140.691	am
114.976	n	140.692	am
114.978	n	140.693	am
114.980	n	140.694	am
114.982	n	140.695	am
114.984	n	140.696	am
114.986	n	140.697	am
114.988	n	140.698	am
114.990	n	140.699	am
114.992	n	140.700	am
114.994	n	140.701	am
114.996	n	140.702	am
114.998	n	140.703	am
115.000	n	140.704	am
115.002	n	140.705	am
115.004	n	140.706	am
115.006	n	140.707	am
115.008	n	140.708	am
115.01			

TITLE 89 (CONTD)					
337.90	n	(P-9273)	515.500	n	(P-9370)
337.90	am	(P-9273)	527.10	am	(P-8095)
337.100	n	(P-9273)	527.100	am	(P-8095)
337.110	n	(P-9273)	527.200	r	(P-8095)
337.120	n	(P-9273)	527.300	r	(P-8095)
337.130	n	(P-9273)	530.10	am	(P-11676)
337.140	n	(P-9273)	530.110	am	(P-11676)
337.150	n	(P-9273)	530.130	am	(P-11676)
337.160	n	(P-9273)	530.140	am	(P-11676)
337.170	n	(P-9273)	530.200	am	(P-11676)
337.180	n	(P-9273)	530.230	am	(P-11676)
337.190	n	(P-9273)	530.240	am	(P-11676)
337.200	n	(P-9273)	530.250	n	(P-11676)
337.210	n	(P-9273)	540.40	n	(P-1692789; A-5808)
410.10	n	(P-439; A-9407) (E-999)	552.30	n	(P-9392)
410.20	n	(P-439; O-8206; R-9622, A-9407) (E-999)	552.60	am	(P-9392)
410.30	n	(P-439; A-9407) (E-999)	562.30	am	(P-1431389; A-1466) (P-9379)
410.40	n	(P-439; A-9407) (E-999)	567.20	am	(P-12731)
410.50	n	(P-439; A-9407) (E-999)	567.30	am	(P-12731)
410.60	n	(P-439; O-8206; R-9622, A-9407) (E-999)	572.60	am	(P-5969)
410.70 *	n	(P-439; A-9407) (E-999)	572.90	am	(P-5969)
410.80	n	(P-439; A-9407) (E-999)	587.50	am	(P-1671989; A-6785)
410.90	n	(P-439; A-9407) (E-999)	587.70	n	(P-1671989; A-6785)
410.100	n	(P-439; A-9407) (E-999)	587.100	r	(P-1671989; A-6785)
410.110	n	(P-439; A-9407) (E-999)	587.105	n	(P-11736)
410.120	n	(P-439; A-9407) (E-999)	587.120	am	(P-11736)
410.130	n	(P-439; A-9407) (E-999)	587.600	am	(P-1671989; A-6785)
410.140	n	(P-439; A-9407) (E-999)	592.30	am	(P-1433889; A-1473)
410.150	n	(P-439; A-9407) (E-999)	592.50	am	(P-1433889; A-1473)
410.160	n	(P-439; A-9407) (E-999)	592.55	n	(P-12257)
410.170	n	(P-439; A-9407) (E-999)	592.55	n	(P-1453889; A-1473)
410.180	n	(P-439; A-9407) (E-999)	592.60	am	(P-1433889; A-1473)
410.190	n	(P-439; A-9407) (E-999)	592.65	n	(P-1433889; A-1473)
410.200	n	(P-439; A-9407) (E-999)	592.75	n	(P-1433889; A-1473)
410.210	n	(P-439; A-9407) (E-999)	592.75	am	(P-12257)
410.220	n	(P-439; A-9407) (E-999)	592.80	am	(P-12257)
410.230	n	(P-439; A-9407) (E-999)	592.85	n	(P-12257)
410.240	n	(P-439; A-9407) (E-999)	602.20	am	(P-1479789; A-2598) (P-5974)
410.250	n	(P-439; A-9407) (E-999)	607.20	am	(P-7087)
410.260	n	(P-439; A-9407) (E-999)	617.20	am	(P-9385)
410.270	n	(P-439; A-9407) (E-999)	617.55	am	(P-9385)
410.280	n	(P-439; A-9407) (E-999)	617.55	am	(P-9385)
410.290	n	(P-439; A-9407) (E-999)	617.60	am	(P-9385)
410.300	n	(P-439; A-9407) (E-999)	650.10	r	(P-6725)
410.310	n	(P-439; A-9407) (E-999)	650.10	r	(P-6725)
410.320	n	(P-439; A-9407) (E-999)	650.20	n	(P-6683)
410.330	n	(P-439; A-9407) (E-999)	650.20	r	(P-6725)
410.340	n	(P-439; A-9407) (E-999)	650.20	n	(P-6683)
410.350	n	(P-439; A-9407) (E-999)	650.30	r	(P-6725)
410.360	n	(P-439; A-9407) (E-999)	650.30	n	(P-6683)
410.370	n	(P-439; A-9407) (E-999)	650.40	r	(P-6725)
410.380	n	(P-439; A-9407) (E-999)	650.40	n	(P-6683)
431.2	am	(P-4303)	650.50	r	(P-6725)
431.3	am	(P-4303)	650.50	n	(P-6683)
431.5	am	(P-4303)	650.60	r	(P-6725)
505.5	am	(P-12718)	650.60	n	(P-6683)
505.10	am	(P-12718)	650.70	r	(P-6725)
505.20	am	(P-12718)	650.70	n	(P-6683)
505.40	am	(P-12718)	650.80	r	(P-6725)
505.70	am	(P-12718)	650.80	n	(P-6683)
505.80	am	(P-12718)	650.90	n	(P-6725)
515.400	n	(P-9370)	650.90	n	(P-6683)

TITLE 89 (CONT'D)					
141.3440	am	(P-2465; A-9464) (E-2657)	147.310	n	(P-9355) (E-9523; O-13039)
141.3441	am	(P-2465; A-9464) (E-2657)	147.315	n	(P-9355) (E-9523; O-13039)
141.3480	am	(P-12202) (E-12278)	147.320	n	(P-9355) (E-9523; O-13039)
141.3520	am	(P-12202) (E-12278)	147.325	n	(P-9355) (E-9523; O-13039)
141.3560	am	(P-12202) (E-12278)	147.330	n	(P-9355) (E-9523; O-13039)
141.3680	am	(P-12202) (E-12278)	147.335	n	(P-9355) (E-9523; O-13039)
141.3800	am	(P-12714) (E-12910)	147.340	n	(P-9355) (E-9523; O-13039)
141.3800	am	(P-17665/89; A-3595)	147.345	n	(P-9355) (E-9523; O-13039)
141.3840	am	(P-17665/89; A-3595)	147.350	n	(P-9355) (E-9523; O-13039)
141.3880	am	(P-2465; A-9464) (E-2657)	147.355	am	(P-10763/89; A-210) (P-15243) (E-15578)
141.3920	am	(P-17665/89; A-3595)	147.360	am	(P-10763/89; A-210)
141.3960	am	(P-12202) (E-12278)	148.120	am	(P-13729/89; A-2553)
141.4040	am	(P-12202) (E-12278)	148.120	am	(P-9331; O-16079)
141.4200	am	(P-17665/89; A-3595)	148.140	am	(P-5409; O-15614; RC-15618; R-15644; A-15358) (P-11108) (E-11392)
141.4240	am	(P-17665/89; A-3595)	148.360	am	(P-9827)
141.4360	am	(P-17665/89; A-3595)	149.50	am	(P-15722)
141.4360	am	(P-17665/89; A-3595)	160.5	am	(P-12148)
141.4360	am	(P-17665/89; A-3595)	160.60	am	(P-12148)
141.4440	am	(P-12278) (E-4360) (P-12714)	160.65	am	(P-12148)
141.4440	am	(P-12714) (E-12910)	160.70	am	(P-12148) (P-13946)
141.4520	am	(P-12714) (E-12910)	160.100	am	(P-12148)
141.4600	am	(P-12714) (E-12910)	160.110	am	(P-12148)
141.4640	am	(P-17665/89; A-3595) (P-2465; A-9464) (E-2657) (P-12202)	160.120	am	(P-12148)
141.4640	am	(E-12278)	160.130	am	(P-12148)
141.4760	am	(P-17665/89; A-3595)	160.132	am	(P-12148)
144.1	n	(P-11999/89; A-4166)	160.136	am	(P-12148)
144.5	n	(P-11999/89; A-4166)	160.136	am	(P-12148)
144.25	n	(P-11999/89; A-4166)	160.138	am	(P-12148)
144.50	n	(P-11999/89; A-4166)	170.50	r	(P-13124)
144.75	n	(P-11999/89; A-4166)	230.45	am	(P-14499/89; A-2308)
144.100	n	(P-11999/89; A-4166)	240.220	am	(P-13638/89; O-17144/89; R-1533) (P-13353/89; A-1233)
144.100	n	(P-11999/89; A-4166)	240.715	am	(P-1077; A-10732)
144.125	n	(P-11999/89; A-4166)	240.720	am	(P-1077; A-10732)
144.150	n	(P-11999/89; A-4166)	240.725	am	(P-1077; A-10732)
144.175	n	(P-11999/89; A-4166)	240.855	am	(P-1077; A-10732)
144.200	n	(P-11999/89; A-4166)	240.870	am	(P-1077; A-10732)
144.205	n	(P-11999/89; A-4166)	240.920	am	(P-1077; A-10732)
144.225	n	(P-11999/89; A-4166)	240.1020	am	(P-1077; A-10732)
144.250	n	(P-11999/89; A-4166)	240.1950	am	(P-1077; A-10732)
144.275	re	(A-7651)	300.20	am	(E-11356) (P-11423)
144.375	n	(P-11999/89; A-4166)	300.90	am	(P-11423)
144.475	n	(P-11999/89; A-4166)	300.130	am	(P-11423)
144.575	n	(P-11999/89; A-4166)	300.140	am	(P-11423)
146.5	r	(P-7031; A-13800)	302.20	am	(P-1)
146.25	r	(P-7031; A-13800)	302.40	am	(P-1)
146.50	r	(P-7031; A-13800)	302.40	am	(P-1)
146.75	r	(P-7031; A-13800)	302.515	am	(P-2205)
146.100	r	(P-7031; A-13800)	302.390	am	(P-14508/89; A-3438)
146.105	r	(P-7031; A-13800)	302.500	n	(P-1)
146.125	r	(P-7031; A-13800)	302.510	n	(P-1)
146.150	r	(P-7031; A-13800)	302.520	n	(P-1)
146.150	r	(P-7031; A-13800)	302.530	n	(P-1)
146.175	r	(P-7031; A-13800)	302.530	n	(P-1)
146.200	r	(P-7031; A-13800)	302.540	n	(P-1)
146.225	am	(P-4419)	337.10	n	(P-9273)
146.225	re	(A-7651)	337.20	n	(P-9273)
147.150	am	(P-6664) (E-6915; O-10165)	337.30	n	(P-9273)
147.150	am	(P-13967) (E-14203)	337.40	n	(P-9273)
147.205	am	(P-13967) (E-14203)	337.50	n	(P-9273)
147.250	n	(P-5434) (P-15243) (E-15578)	337.60	n	(P-9273)
147.305	n	(P-9355) (E-9523; O-13039)	337.70	n	(P-9273)
147.305	n	(P-9355) (E-9523; O-13039)	337.80	n	(P-9273)

TITLE 92 (CONT'D)			n		
178,2000	(P-16400/89; A-2640)	449.70	r	(P-16944/89; A-3686)	
180,1000	(P-16371/89; A-2617)	546.100	r	(P-17767/89; A-3694)	
180,2000	(P-16371/89; A-2617)	546.200	r	(P-17767/89; A-3694)	
386,1000	(P-17472; A-15542)	546.310	r	(P-17767/89; A-3694)	
386,1010	(P-17472; A-15542)	546.302	r	(P-17767/89; A-3694)	
386,1020	(P-17472; A-15542)	546.304	r	(P-17767/89; A-3694)	
386,1030	(P-17472; A-15542)	546.306	r	(P-17767/89; A-3694)	
386,1040	(P-17472; A-15542)	546.308	r	(P-17767/89; A-3694)	
386,1050	(P-17472; A-15542)	546.309	r	(P-17767/89; A-3694)	
386,1060	(P-17472; A-15542)	546.310	r	(P-17767/89; A-3694)	
386,1070	(P-17472; A-15542)	546.312	r	(P-17767/89; A-3694)	
386,1080	(P-17472; A-15542)	546.314	r	(P-17767/89; A-3694)	
386,1090	(P-17472; A-15542)	546.315	r	(P-17767/89; A-3694)	
386,1100	(P-17472; A-15542)	546.316	r	(P-17767/89; A-3694)	
386,1110	(P-17472; A-15542)	546.318	r	(P-17767/89; A-3694)	
386,1120	(P-17472; A-15542)	546.320	r	(P-17767/89; A-3694)	
386,1130	(P-17472; A-15542)	546.322	r	(P-17767/89; A-3694)	
386,1140	(P-17472; A-15542)	546.324	r	(P-17767/89; A-3694)	
386,1150	(P-17472; A-15542)	546.326	r	(P-17767/89; A-3694)	
386,1160	(P-17472; A-15542)	546.328	r	(P-17767/89; A-3694)	
386,1170	(P-17472; A-15542)	546.329	r	(P-17767/89; A-3694)	
386,1180	(P-17472; A-15542)	546.330	r	(P-17767/89; A-3694)	
386,1190	(P-17472; A-15542)	546.332	r	(P-17767/89; A-3694)	
386,1200	(P-17472; A-15542)	546.333	r	(P-17767/89; A-3694)	
390,1000	(P-17452; A-15519)	546.334	r	(P-17767/89; A-3694)	
390,1010	(P-17452; A-15519)	546.335	r	(P-17767/89; A-3694)	
390,1020	(P-17452; A-15519)	546.336	r	(P-17767/89; A-3694)	
390,1030	(P-17452; A-15519)	546.338	r	(P-17767/89; A-3694)	
390,2000	(P-17452; A-15519)	546.340	r	(P-17767/89; A-3694)	
390,2010	(P-17452)	546.342	r	(P-17767/89; A-3694)	
391,1000	(P-17487; A-15560)	546.344	r	(P-17767/89; A-3694)	
391,2000	(P-17487; A-15560)	546.345	r	(P-17767/89; A-3694)	
392,1000	(P-17438; A-15503)	546.346	r	(P-17767/89; A-3694)	
392,2000	(P-17438; A-15503)	546.348	r	(P-17767/89; A-3694)	
393,1000	(P-17468; A-15537)	546.350	r	(P-17767/89; A-3694)	
393,2000	(P-17468; A-15537)	546.352	r	(P-17767/89; A-3694)	
395,1000	(P-17442; A-15507)	546.354	r	(P-17767/89; A-3694)	
395,2000	(P-17442; A-15507)	546.356	r	(P-17767/89; A-3694)	
396,1000	(P-17447; C-9262; A-15512)	546.358	r	(P-17767/89; A-3694)	
396,2000	(P-17447; C-9262; A-15512)	546.360	r	(P-17767/89; A-3694)	
396,2010	(P-17447; C-9262; A-15512)	546.362	r	(P-17767/89; A-3694)	
397,1	(P-17429; A-15496)	548.10	r	(P-17731/89; A-3692)	
397,3	(P-17429; A-15496)	548.20	r	(P-17731/89; A-3692)	
397,5	(P-17429; A-15496)	548.30	r	(P-17731/89; A-3692)	
397,7	(P-17429; A-15496)	548.40	r	(P-17731/89; A-3692)	
397,11	(P-17429; A-15496)	548.50	r	(P-17731/89; A-3692)	
397,13	(P-17429; A-15496)	548.60	r	(P-17731/89; A-3692)	
397,15	(P-17429; A-15496)	548.70	r	(P-17731/89; A-3692)	
397,17	(P-17429; A-15496)	548.80	r	(P-17731/89; A-3692)	
397,19	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,21	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,23	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,25	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,27	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,29	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,31	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,33	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,35	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,37	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,39	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,41	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,43	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,45	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,47	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,49	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,51	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,53	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,55	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,57	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,59	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,61	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,63	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,65	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,67	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,69	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,71	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,73	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,75	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,77	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,79	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,81	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,83	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,85	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,87	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,89	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,91	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,93	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,95	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,97	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
397,99	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,01	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,03	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,05	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,07	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,09	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,11	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,13	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,15	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,17	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,19	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,21	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,23	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,25	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,27	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,29	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,31	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,33	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,35	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,37	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,39	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,41	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,43	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,45	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,47	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,49	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,51	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,53	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,55	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,57	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,59	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,61	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,63	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,65	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,67	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,69	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,71	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,73	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,75	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,77	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,79	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,81	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,83	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,85	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,87	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,89	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,91	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,93	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,95	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,97	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
398,99	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
399,01	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
399,03	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
399,05	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
399,07	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
399,09	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
399,11	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
399,13	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
399,15	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
399,17	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
399,19	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
399,21	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
399,23	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
399,25	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
399,27	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
399,29	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
399,31	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
399,33	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
399,35	(P-17429; A-15496)	548.90	r	(P-17731/89; A-3692)	
399,37	(P-17429; A-15496)	548.90	r	(

TITLE 89 (CONT'D)			
650.100	r	(P-6725)	885.10 am (P-6666)
650.100	n	(P-6683)	885.30 n (P-6666)
650.110	n	(P-6683)	885.100 n (P-6666)
650.120	n	(P-6683)	885.110 n (P-6666)
650.130	n	(P-6683)	885.200 n (P-6666)
650.140	n	(P-6683)	885.210 n (P-6666)
650.150	n	(P-6683)	890.10 r (P-2844; A-16010)
650.160	n	(P-6683)	890.20 r (P-2844; A-16010)
650.200	n	(P-6725)	890.30 r (P-2844; A-16010)
650.500	r	(P-6725)	890.40 n (P-3412; O-13029)
650.600	r	(P-6725)	899.10 n (P-3412; O-13029)
650.600	r	(P-6725)	899.20 n (P-3412; O-13029)
650.700	r	(P-6725)	899.30 n (P-3412; O-13029)
650.1000	r	(P-6725)	899.40 n (P-3412; O-13029)
650.Ap. B	r	(P-6725)	1200.30 am (P-19885/89; A-5136)
675.100	am	(P-14319/89; A-3722)	1200.40 am (P-19885/89; A-5136)
675.300	am	(P-14319/89; A-3722)	1200.50 am (P-19885/89; A-5136)
685.500	am	(P-8982)	1200.70 am (P-19885/89; A-5136)
685.600	am	(P-8982)	1200.80 am (P-19885/89; A-5136)
687.100	am	(P-8560; O-16085; RC-16088)	1200.Ap.A am (P-19885/89; A-5136)
690.100	am	(P-9397)	
695.300	am	(P-12252)	
695.400	am	(P-12252)	
700.200	am	(P-14331/89; O-20407/89; R-2968; A-4900) (P-8103; C-9624)	27.10 n (P-15262)
			27.20 n (P-15262)
			27.30 n (P-15262)
			27.40 n (P-15262)
700.300	am	(P-14331/89; O-20407/89; R-2968; A-4900)	27.50 n (P-15262)
			27.60 n (P-15262)
712.100	am	(P-11702)	27.70 n (P-15262)
712.200	am	(P-11702)	27.80 n (P-15262)
712.300	am	(P-11702)	27.90 n (P-15262)
712.400	am	(P-11702)	27.100 n (P-15262)
712.1000	am	(P-11702)	27.110 n (P-15262)
712.Ap.A	am	(P-11702)	27.120 n (P-15262)
714.110	am	(P-12947/89; A-3652)	27.130 n (P-15262)
714.130	am	(P-12947/89; A-3652)	27.140 n (P-15262)
714.310	n	(P-12947/89; A-3652)	Ex.A
714.320	n	(P-12947/89; A-3652)	57.10 n (P-15283)
716.100	n	(P-9994)	57.20 n (P-15283)
716.200	n	(P-9994)	57.30 n (P-15283)
716.300	n	(P-9994)	57.40 n (P-15283)
716.400	n	(P-9994)	57.50 n (P-15283)
716.500	n	(P-9994)	57.60 n (P-15283)
716.600	n	(P-9994)	57.70 n (P-15283)
730.400	am	(P-12228)	57.80 n (P-15283)
765.60	am	(P-12224)	57.90 n (P-15283)
795.100	am	(P-3407; A-16005)	57.100 n (P-15283)
.95.110	r	(P-3407; A-16005)	57.110 n (P-15283)
810.10	am	(P-13739/89; A-3661)	57.120 n (P-15283)
830.50	am	(P-12234)	57.130 n (P-15283)
843.10	am	(P-12212)	57.140 n (P-15283)
843.20	am	(P-12212)	Ex.A
843.30	am	(P-12212)	107.3 n (P-16387/89; A-2633)
843.50	am	(P-12212)	107.301 am (P-16387/89; A-2633)
843.60	am	(P-12212)	107.310 am (P-16387/89; A-2633)
843.120	am	(P-12212)	107.311 am (P-3028; A-8189)
843.150	am	(P-12212)	108.10 re (A-3234)
843.160	am	(P-12212)	108.Ap.A re (A-3234)
843.180	n	(P-12212)	171.21 am (P-16375/89; A-2621)
845.11	n	(P-12240)	171.1000 am (P-16382/89; A-2628)
845.20	am	(P-12240)	172.2000 am (P-16393/89; A-2651)
845.30	am	(P-12240)	173.3000 am (P-16367/89; A-2613)
845.40	am	(P-12240)	177.2000 am (P-16367/89; A-2613)

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TITLE 92 (CONT'D)

Ex.C	r	(P-1773/89; A-3692)	1030.95	am	(P-16297/89; A-4908)
Ex.D	r	(P-1773/89; A-3692)	1030.Ap.A	am	(P-2289; A-10111)
Ex.E	r	(P-1773/89; A-3692)	1040.25	n	(P-14810/89; A-2944)
Ex.F	r	(P-1773/89; A-3692)	1040.32	am	(P-8109)
Ex.G	r	(P-1773/89; A-3692)	1040.46	am	(P-5488; A-14177)
Ex.H	r	(P-1773/89; A-3692)	1040.55	n	(P-15351/89; A-3664)
Ex.I	r	(P-1773/89; A-3692)	1040.60	am	(P-15635/89; A-5178)
Ex.J	r	(P-1773/89; A-3692)	1040.65	am	(P-14336)
Ex.K	r	(P-1773/89; A-3692)	1040.80	n	(P-14014/89; A-5560)
Ex.L	r	(P-1773/89; A-3692)	1060.5	am	(P-1859; A-8658)
557.100	r	(P-10709)	1060.20	am	(P-1859; A-8658)
557.105	n	(P-10722)	1060.60	am	(P-1859; A-8658)
557.110	r	(P-10709)	1060.70	am	(P-1859; A-8658)
557.115	r	(P-10722)	1060.100	am	(P-1859; A-8658)
557.120	n	(P-10709)	1060.130	am	(P-1859; A-8658)
557.125	r	(P-10722)	1060.140	am	(P-1859; A-8658)
557.130	n	(P-10709)	1060.150	am	(P-1859; A-8658)
557.135	r	(P-10722)	1060.160	am	(P-1859; A-8658)
557.140	n	(P-10709)	1060.230	am	(P-1859; A-8658)
557.145	r	(P-10722)	1060.240	am	(P-1859; A-8658)
557.150	n	(P-10709)	1060.250	am	(P-1859; A-8658)
557.155	r	(P-10722)	1060.260	n	(P-1859; A-8658)
557.160	n	(P-10722)	1070.50	am	(P-2526; A-10107)
730.301	am	(P-14357/89; A-1484)	1070.90	n	(P-19116/89; A-6859)
730.307	am	(P-14357/89; A-1484)	1207.20	am	(P-15150/89; A-3033)
1001.220	am	(P-5977; A-16041)	1300.10	r	(P-14147/89; A-3040)
1001.230	am	(P-5977; A-16041)	1300.30	r	(P-14147/89; A-3040)
1001.240	am	(P-5977; A-16041)	1300.40	r	(P-14147/89; A-3040)
1001.250	am	(P-5977; A-16041)	1300.50	r	(P-14147/89; A-3040)
1001.410	am	(P-16932/89; A-2601; C-3698)	1300.60	r	(P-14147/89; A-3040)
1001.420	am	(P-16932/89; A-2601)	1307.10	am	(P-15154/89; A-13138)
1001.450	am	(P-5977; A-16041)	1415.10	am	(P-19339/89; A-8583)
1001.485	n	(P-5977; A-16041)	1415.20	am	(P-19339/89; A-8583)
1010.170	n	(P-1853; A-9492)	1415.35	am	(P-19339/89; A-8583)
1010.450	am	(P-15357/89; A-4560)	1710.90	r	(P-2721; A-10310)
1010.453	n	(P-8575)	1710.91	am	(P-2721; A-10310)
1010.454	n	(P-8575)	1710.160	am	(P-2721; A-10310)
1010.510	am	(P-8998)	1710.171	n	(P-2721; A-10310)
1010.520	am	(P-3022; A-12267)	1710.172	n	(P-2721; A-10310)
1010.745	r	(P-19235/89; A-6848)			
1010.750	r	(P-19235/89; A-6848)			
1019.40	am	(P-18843/89; A-5813)			
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